THE

LAWS AND ACTS

OF THE FIRST,

PARLIAMENT

Of Our Moſt High and Dread Soveraign

CHARLES THE SECOND

By the Grace of GOD, *King of* SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defender of the Faith*, &c.

Holden at *Edinburgh* the firſt of *January*, 1661. By a Noble Lord, *JOHN* Earl of *Middletoun*, Lord *Cleremont*, and *Fettercairn*, His MAJESTIE'S High Commiſſioner, for holding of this PARLIAMENT, by vertue of a Commiſſion under his *Majeſtie's* great Seale of this Kingdom:

With the ſpeciall advice and conſent of the Eſtates of PARLIAMENT.

Collected, and Extracted from the publick Records of the ſaid Kingdom, by Sir THOMAS MURRAY *of* Glendook, *Knight and Baronet, Clerk to His* Majeſtie's *Council, Regiſter, and Rols, by his* Majeſtie's *ſpecial warrand.*

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CUM PRIVILEGIO.

THE

LAWS and ACTS

MADE IN THE FIRST

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Of our moſt High and Dread SOVERAIGN,

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THE SECOND,

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*,
Defender of the Faith.

Begun at *Edinburgh* the firſt of *January*, 1661.

I.

ACT concerning the Preſident and Oath of Parliament.

FOraſmuch as it hath pleaſed Almighty GOD, to compaſſionat the troubles and confuſions of this Kingdom, by returning the Kings moſt Excellent *Majeſty* to the exerciſe of that Royal Government, under which, and its excellent conſtitution, this Kingdom hath for many ages injoyed ſo much happineſs, peace and plenty. And it being upon good and important conſiderations, an inviolable practice in this Government, before theſe troubles, that the perſon nominat by His *Majeſty*, to be His Chancellor within this Kingdom, did of right, and as due to his place, preſide in all Meetings of Parliament, and other publick Judicatories of the Kingdom, where he was preſent for the time. And His *Majeſty* now conſidering the great advantages do accreſs to the publick good of His Subjects, by the due obſervance of ſuch ancient and well grounded Cuſtoms and Conſtitutions, and the prejudices that do accompany a change thereof: Therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Declare, That the preſent Lord Chancellor, and ſuch as hereafter ſhall be nominate by His *Majeſty*, or His Royal Succeſſors, to ſucceed in that place; and in caſe of their abſence, ſuch as ſhall be nominate by His *Majeſty*, are by vertue and right of the ſaid office and ſuch nomination *reſpictivè*, to preſide in all meetings of His *Majeſties* Parliaments or other publick Judicatories of the Kingdom, where they ſhall happen to be preſent, and that they are now and in all time coming to enjoy this priviledge. And in diſcharge of this truſt, they are at the firſt down-ſitting of every Parliament, to adminiſter to all the Members thereof the Oath of Alledgiance, whereof the tenor follows;

I, for teſtification of my faithful obedience to my moſt gracious and redoubted Soveraign, CHARLES *King of* Great Britain, France *and* Ireland, Defender of the Faith, &c. *Affirm, teſtifie and declare, by this my ſolemn Oath, That I acknowledge my ſaid Soveraign only ſupream Go-*

vernour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power or State, nor person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my utmost power, defend, assist and maintain His Majesties *Jurisdiction foresaid against all deadly, and never decline His* Majesties *Power nor Jurisdiction, as I shall answer eo GOD.* With this addition, *And I shall faithfully give my Advice and Vote in every thing shall be propounded in Parliament, as I shall answer to GOD.*

Likeas His *Majesty*, with advice foresaid, doth hereby Rescind and Annull all Acts, Statutes or Practices, as to the President, or Oath of Parliament, which are prejudicial unto, or inconsistent with, this present Act, and Declare the same to be void and null in all time coming.

II.

Act and Acknowledgement of His MAJESTIES *Prerogative, in the choice of His Officers of State, Councellors and Judges.*

THe Estates of Parliament, considering the great obligations that do ly upon them from the Law of GOD, the Law of Nations, the Municipal Laws of the Land, and their Oaths of Allegiance, to maintain and defend the Soveraign Power and Authority of the Kings *Majesty*, and the sad consequences that do accompany any incroachments upon, or diminutions thereof: Do therefore, from their sense of humble duty, Declare, That it is an inherent priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of State, and Privy Councellors, and the nomination of the Lords of Session as in former times, preceeding the year, 1637. And that the Kings Sacred *Majesty* and His Heirs and Successors, are for ever, by vertue of that Royal Power, which they hold from GOD Almighty over this Kingdom, to enjoy and have the full exercise of that Right. And therefore, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes or Practices to the contrair, and Declare them to have been undutiful and disloyal invasions upon the Royal Prerogative, and to be void and null in all time coming.

III.

Act asserting His MAJESTIES *Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.*

THe Estates of Parliament now conveened, by His *Majesties* special Authority, considering that the Quietness, Stability and Happiness of the people, do depend upon the Safety of the Kings *Majesties* Sacred Person, and the maintenance of His Soveraign Authority, Princely Power, and Prerogative Royal. And conceiving themselves oblieged in conscience, and in discharge of their duties to Almighty GOD, to the Kings *Majesty*, and to their native Countrey, to make a due acknowledgement thereof at this time; Do therefore unanimously Declare, that they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the Kings *Majesty*, His Heirs and Successors. And that as no Parliament can be lawfully keeped without the special warrand and presence of the Kings *Majesty*, or His Commissioner; so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the people, or have the authority and force of Laws, without the special Authority and Approbation of the Kings *Majesty*, or His Commissioner interponed thereto, at the making thereof. And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes or Practices that have been, or upon any pretext whatsoever, may be, or seem, contrair to, or inconsistent with, His *Majesties* just Power and Prerogative above-mentioned, and Declares the same to have been unlawful, and to be void and null in all time coming. And to the end that this Act and acknowledegment, which the Estates of Parliament, from the sense of their humble duty and certain knowledge have hereby made, may receive the more exact obedience in time coming, It is by His *Majesty*, with advice foresaid, Statute and Ordained, that the punctual observance thereof, be specially regarded by all His *Majesties* Subjects, and that none of them upon anypretext whatsoever, offer to call in question, impugne, or do any deed to the contrair hereof, under the pain of Treason.

IV.

IV.

Act asserting His MAJESTIES *Royal Prerogative, in making of Leagues and the Conventions of the Subjects.*

THe Estates of Parliament, considering that the maintenance of His *Majesties* Authority and Royal Prerogative, in and concerning the making of Leagues and the Conventions of the Subjects, is not only a necessary duty of the people, but of singular advantage to their happiness and peace: And that their Predecessors wisely foreseeing the good and benefit thereof, and the prejudices and miseries that inevitably did accompany the neglect of the same, did therefore by many several Acts and Laws, assert the Kings Prerogative and Authority therein; and particularly by the hundred and thirty one Act of the eight Parliament of King *James* the sixth, it is Statute and Ordained, That none of his Highness Subjects of whatsoever quality, state or function, presume to convocat, conveen or assemble themselves for holding of Councils, Conventions, or Assemblies, to treat, consult and determine in any matter of State, Civil or Ecclesiastick (except in the ordinary Judgements) without His *Majesties* special command, or express licence, had and obtained thereto, under the pains made against such as unlawfully convocats the Kings Leidges. And by the twelfth Act of the tenth Parliament, holden the tenth of *December*, one thousand five hundred and eighty five, It is by His *Majesty*, with advice of His three Estates, Statute and Ordained, that no Leagues nor Bonds be made among His Subjects of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privitie and consent, had and obtained thereunto, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. And now finding that the due observance of these Laws, might have contribute much to the preventing of these confusions and troubles, which in these late times have almost ruined both the Kings *Majesty* and all His loyal Subjects: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth revive, renew, ratifie and approve these Acts abovementioned, and Ordain the same to be punctually obeyed in all time comming, conform to the tenor thereof, and under the pains therein contained. And Declares, that any explanation or glosse, that during these late troubles hath been put upon these Acts, as that they are not to be extended against any Leagues Councils, Conventions, Assemblies or Meetings, made, holden or kept by the Subjects for preservation of the *Kings Majesty*, the Religion, Laws and Liberties of the Kingdom, or for the publick good either of Kirk or Kingdom, are false and disloyal, and contrair to the true and genuine meaning of these Acts: And therefore His *Majesty*. with advice foresaid, doth Discharge, and for ever Annull the same, and all Acts and Practices that have been in pursuance thereof.

V.

Act asserting His MAJESTIES *Royal Prerogative in the* Militia, *and in making Peace and War*, &c.

THe Estates of Parliament, considering the great happiness that this Kingdom hath for many ages enjoyed, under the Princely Government of their Royal Kings; who by the special blessing of Almighty GOD, have reigned over them, in so long and an unparallel'd *series* of Royal descents; and the obligation thereby lying upon them, in conscience, honour and gratitude, to own and assert the Royal Prerogatives of the Imperial Crown of this Kingdom, which the Kings *Majesty* holds from GOD Almighty alone. And to vindicat the same from these invasions, which by the malice or specious pretexts of ill affected persons, and the confusions and disorders of the late times, have been made upon it, Do therefore Declare, that the power of Armes and making of Peace and War, or Treaties and Leagues with Forraign Princes or Estates, doth properly reside in the Kings *Majesty*, His Heirs and Successors; and that it was and is their undoubted Right, and theirs alone, to have the power of raising in Armes, the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwise disposing thereof; and of all Strengths, Forts or Garrisons within the same, as they shall think fit; the Subjects alwayes being free of the Provisions and Maintenance of these Forts and Armies, unless the same be concluded in Parliament or Convention of Estates. Likeas the Kings *Majesty*, with advice and consent foresaid, doth hereby Declare, That it is, and shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in Armes, to maintain any Forts, Strengths or Garrisons, to make Peace or War, or to make any Treaties or Leagues with Forraign Princes or Estates, or among themselves, without His *Majesties* special Authority and Approbation first interponed thereto; And doth discharge all His *Majesties* Subjects to offer upon any pretext whatsoever, to attempt the doing of any of these things hereafter, under the said pain of

Treaſon. And in further deteſtation of ſuch unlawful and unwarrantable practices, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth hereby Reſcind and Annul all Acts, Statutes, Ordinances or Deeds, paſt or done in any Parliaments, Conventions, or other Meetings whatſoever, or any otherwiſe, in ſo far as they are, or may be contrair to, or inconſiſtent with, this preſent Act; and Declares the ſame (diſpenſing with the generality, and holding all the particulars as *verbatim* herein inſerted) to be void and of no force nor effect in time coming.

VI.

Act annulling the pretended Convention of Eſtates, kept in the Year, 1643.

Foraſmuch as the power of calling of Parliaments, or Conventions of the Eſtates of this Kingdom, hath alwayes been, and is an undoubted priviledge of the Crown, and doth ſoly reſide in the Kings *Majeſty*: And that notwithſtanding thereof (among the many other invaſions, which during theſe late times, have been made upon the Royal Prerogative) a pretended *Meeting* and Convention of the Eſtates was called and kept at *Edinburgh*, in *June*, one thouſand ſix hundred fourty three, without any warrand from the Kings *Majeſty*: And the Eſtates of Parliament now conveened by His *Majeſties* ſpecial Authority, having taken into their conſideration the indiction, reaſons and grounds of the calling of the ſaid Convention, do find that the ſaid pretended Convention of Eſtates, notwithſtanding of all the ſpecious pretexts made for the ſame, did meet, and conveen, without any lawful Warrand or Authority; And therefore the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Declare the ſame, with all that was done therein, void and null, and Reſcinds and Annulls all Acts or Deeds whatſomever, ratifying and approving the ſame.

VII.

Act concerning the League *and Covenant, and diſchargiug the renewing thereof without His* MAJESTIES *warrand and approbation.*

Foraſmuch as the power of Armes, and entring into, and making of Leagues and Bonds, is an undoubted priviledge of the Crown, and a proper part of the Royal Prerogative of the Kings of this Kingdom, and that in recogniſance of His *Majeſties* juſt *R*ight, the Eſtates of Parliament of this His moſt ancient Kingdom of *Scotland*, have declared it high Treaſon to the Subjects thereof, of whatſoever number, leſs or more, upon any pretext whatſoever, to riſe, or continue in Armes, or to enter into Leagues and Bonds, with Forraigners, or among themſelves, without His *Majeſties* ſpecial Warrand and Approbation, had and obtained thereto, and have Reſcinded and Annulled all Acts of Parliament, Conventions of Eſtates, or other Deeds whatſoever, contrary to, or inconſiſtent with the ſame; And whereas during theſe troubles, there have occurred divers things, in the making and purſuance of Leagues and Bonds, which may be occaſion of jealouſie in, and betwixt His *Majeſties* Dominions of *Scotland*, *England* and *Ireland*. Therefore, and for preventing of all ſcruples, miſtakes or jealouſies that may hereafter ariſe upon theſe grounds, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth hereby Declare, that there is no Obligation upon this Kingdom by Covenant, Treaties or otherwiſe, to endeavour by Armes a Reformation of Religion in the Kingdom of *England*, or to meddle with the publick Government and Adminiſtration of that Kingdom. And the Kings *Majeſty* with advice and conſent foreſaid, doth Declare, That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do, or may relate thereto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpoſe by Armes, or any ſeditious way, in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or in what may concern the Adminiſtration of His *Majeſties* Government there. And further, His *Majeſty*, with advice and conſent of His Eſtates, doth hereby Diſcharge and Inhibite all His *Majeſties* Subjects within this Kingdom, that none of them preſume upon any pretext of any Authority whatſoever, to require the renewing or ſwearing of the ſaid League and Covenant, or of any other Covenants, or publick Oaths concerning the Government of the Church, or Kingdom, without His *Majeſties* ſpecial Warrand and Approbation; And that none of His *Majeſties* Subjects offer to renew and ſwear the ſame, without His *Majeſties* Warrand, as ſaid is, as they will be anſwerable at their higheſt peril.

VIII.

VIII.

Act againſt Papiſts, Prieſts, and Jeſuits.

OUr Soveraign Lord conſidering, that the publick contempt of, and diſobedience to, lawful Authority, (though covered with the moſt ſpecious pretexts) is alwayes accompanied with great confuſions and provocations, to the diſhonour of GOD, and ruine of the People; And that thereby occaſion is offered to wicked and ill affected perſons, of all ſorts, upon one pretence or other, to ſubvert Religion, and pervert the Duty and Allegiance of the Subjects; Whereof there be too ſad evidence, by the increaſe of Popery, and the number of Jeſuits, Prieſts, and Papiſts; which have of late, and do now abound in this Kingdom, in far greater numbers then ever they did under the Government of His *Majeſties* Royal Father and Grand-Father, of bleſſed memory. And His *Majeſty*, being deſirous to trace theſe His Royal Anceſtors, in a due and vigorous proſecution of theſe many excellent Laws made by them, againſt the Saying of Meſs, and the ſtay and reſſet of Jeſuits, Seminary and Meſs Prieſts, and Trafficking Papiſts, within this Kingdom: Doth therefore, with advice and conſent of His Eſtates of Parliament, command and charge all, and ſundry Jeſuits, Prieſts and Trafficking Papiſts, that none of them preſume hereafter to Say Meſs within this Kingdom; And that within a moneth after the publication hereof, they remove forth of the Kingdom, under the pain of death: And ſicklike, His *Majeſty*, with advice and conſent foreſaid, doth command, charge, and inhibite all His *Majeſties* Subjects, of what quality or degree ſoever, that none of them preſume to hear Meſs, reſſet, ſupply, entertain, furniſh meat or drink, nor keep intelligence or correſpondence with any Prieſts, Jeſuits or Trafficking Papiſts, under the pains contained in the Laws and Acts of Parliament made in that behalf. And to the end that this Act may receive the more exact obedience and proſecution, His *Majeſty*, with advice and conſent foreſaid, doth hereby command all Sheriffs of Shires and their Deputes, all Magiſtrates of Burghs, and other publick Miniſters of the Laws, to make exact enquiry and ſearch in their ſeveral bounds and juriſdictions, and to apprehend all ſuch Jeſuits, Prieſts and Trafficking Papiſts, as they ſhall find within the ſame, after the laſt day of *March* next to come; and to commit them to the next ſure Priſon, there to remain till they receive due puniſhment, according to the Laws: And alſo, that with all poſſible diligence, they ſend in to the Parliament, or in caſe of their not Sitting, to His *Majeſties* Privy-Council, the Liſt of ſuch perſons within their bounds, as are known, or ſuſpected to be Papiſts; that courſe may be taken with them, conform to the Laws of the Kingdom: And hereof, the Sheriffs and Magiſtrates, and their Deputes are to take ſpecial notice, as they will be anſwerable at their higheſt peril: Likeas, His *Majeſty* conſidering how dangerous it is that Children be educat by perſons Popiſhly affected, do therefore, conform to former Acts of Parliament, appoint that Children under Popiſh Parents, Tutors or Curators ſhall be taken from them, and committed to the education of ſome well affected and religious friend, at the ſight and by order of His *Majeſties* Privy Council: And ordains publication hereof to be made at the Mercat Croſs of *Edinburgh*, and other places needful.

IX.

Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committes kept thereafter.

FOraſmuch as in the year one thouſand ſix hundred fourty and eight, the Eſtates of Parliament of this Kingdom, and His *Majeſties* good Subjects therein, from the ſenſe of their duty to Almighty GOD and the King's *Majeſty*, did chearfully undertake and concurr in an Engagement, for relief of His late *Majeſty* of glorious memory from His impriſonment, and for His reſtitution to the Royal Government of His Kingdoms. And the Eſtates of Parliament, now conveened by His *Majeſties* ſpecial Authority, taking that Engagement to their conſideration, do find it to have been an Honourable, Juſt, Neceſſary and Seaſonable Diſcharge of that indiſpenſible Duty, whereunto this Kingdom, and the Subjects thereof, are by the Law of GOD, by the Law of Nature and Nations, by the Municipal Laws of the Land, by their Allegiance, and by all the ſtricteſt bonds of Conſcience and Honour, obliged to the moſt Sacred Perſon, and Royal Authority of their King's *Majeſty*. And therefore, Our Soveraign Lord, with advice and conſent of His Eſtates of Parliament, doth Ratifie and Approve that Engagement for His *Majeſties* relief and reſtitution to His Royal Government. And doth declare, that as it was a moſt noble and pious Teſtimony of the Loyalty of His *Majeſties* good Subjects of His ancient Kingdom, and of their affection and zeal to His *Majeſties* Perſon and Government: So His *Majeſty*, for Himſelf and His Succeſſors, doth aſſure, that They will always retain a grateful reſentment thereof; And have appointed theſe preſents to remain upon Record, for the due honour of theſe perſons who did engage therein, and of their poſterity for ever.

And whereas the neceſſity and juſtice of this undertaking, with the intereſt this Kingdom had in His *Majeſties* Perſon, by the honour of His Royal Birth, and By theſe many and ſingular Acts of Grace He had lately conferr'd upon it, might juſtly have claimed a ready concurrence of all the Subjects; Yet there wanted not ſome, and even ſuch, whom not long before, His *Majeſty* had obliged by marks of His Royal favour both of honour and profit, who made it their work to

diſapoint and oppoſe the ſame; And for that end, having gathered ſome mutinous Commons and others, who by a few ſeditious Miniſters, had been preached into an open Rebellion, they in the moneth of *September*, one thouſand ſix hundred fourty and eight years, without any lawful Authority, (and not giving the Oath mentioned in the Commiſſion of Parliament: without which, it was expreſly provided, they were not to have acceſſe to, nor place in, the Commitee) did uſurpe to themſelves the name and power of a Commitee of Eſtates; and having by their own Edicts, declared all ſuch perſons as had given teſtimoney of their duty and loyalty to the King, to be uncapable of being Members of Parliament, or of having voice in the Elections to the Parliaments. They then, without any lawful Authority, called a Packt meeting of Parliament, to conſiſt only of perſons of their own ſtamp and faction: who accordingly met in *January*, one thouſand ſix hundred fourty and nine years: and aſſuming to themſelves the Soveraign Authority and Government of the Kingdom, intended to Eſtabliſh and fix the power in their own perſons for ever. For which purpoſe, having publickly declared againſt that neceſſary and juſt Engagement, for His *Majeſties* relief and reſtitution to His Royal Government: Having approven all the oppoſitions and riſings in Armes againſt the ſame, and by Oath ſolemnly engaged themſelves to a conſtant adherence thereunto: Having for their aſſiſtance called in the Uſurper *Cromwel*, and a part of his Army: Having by publick engagement, given up the honour and ſafety of this ancient Kingdom to the *Engliſh*: and declared, that His *Majeſty* ſhould be oblieged to Ratifie that unworthy act, before any Treaty were with Him for His relief: Having given order to their Commiſſioners, to proteſt againſt any agreement betwixt His *Majeſty* and His Subjects in *England*, in the Treaty at the *Iſle* of *Wight*: Having, ſo far as in them lay, weakned and diſſolved the common Allegiance of the Subjects to the King's *Majeſty*, by proclaiming His Right to the Crown, with baſe reſtrictions and limitations, and preſſing the Subjects againſt their conſciences, to ſubſcribe the ſame: Having diſowned His *Majeſties* intereſt in the Quarrel betwixt them and the *Engliſh*, who had invaded this Kingdom, meerly to deſtroy His *Majeſties* Intereſt in it: Having taken the lives of ſome, and forced others of His *Majeſties* good Subjects, of beſt quality, to flee to Forraign parts for their ſafety: Having fined, confined, impriſoned, and ſeized upon the livelihood of many: Having put diſgraceful characters and incapacities upon all who had witneſſed any affection to His *Majeſties* Government: Having unjuſtly pronounced, and with cruelty executed Sentences of Forfeiture againſt the lives and fortunes of ſuch as from conſcience of their duties, did oppoſe them: Having in their publick Meetings, appointed, that the innocent Wives and Children of theſe, who offered to vindicate His *Majeſties* Authority, ſhould be ſeized on, and tranſported to Forraign Countries: Having once and again ſollicite their Brethren in *England*, that ſuch of this Kingdom, as (for venturing their lives for the King) were then priſoners in *England*, ſhould be ſtill kept Priſoners, as Pledges of the Peace: Having thruſt out of the Offices of State, places of Judicatory and publick Truſt, all ſuch as were willing to engage for His *Majeſties* relief and reſtitution to His Government, and put ſuch in their places, as did oppoſe the ſame: Having laid on, and raiſed, great exactions and ſums of money from the people, and employed them for their own uſes; Having ſeized on His *Majeſties* Revenues, and beſtowed them upon themſelves, and ſuch others as were in open Oppoſition and Armes againſt Him: Having alſo ſeized upon the Properties and due Rights of the Subjects, and the Patronages by Law ſecured unto them: And having, by theſe and many ſuch like Acts, endeavoured to perpetuate themſelves in their uſurped Power, they prorogated the meetings of their pretended Parliaments from time to time, ſubſtituting ſome of their Truſtees, for carrying on of their deſigns in the while. And the Eſtates of Parliament, having taken theſe proceedings unto their ſerious conſideration, Do find, that there was no Law, nor lawful Authority for the Meetings of theſe pretended Parliaments and Committes of Eſtates; But that the perſons, meeting therein, did without any lawful warrand, and in contempt of His *Majeſties* Authority, uſurp the power to themſelves.

And therefore, the King's *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Reſcind and Annul theſe pretended Meetings of Parliament, and Committes above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the ſame, and all Acts, Deeds and Treaties, done by them or their warrand: Excepting alwayes all ſuch Acts as were paſt in any Meeting of Parliament, or Committee of Eſtates, authorized by His *Majeſties* preſence, and are not inconſiſtent with this preſent Act. And alſo Declares any Ratification, which thereafter was paſt, of thoſe Meetings and Acts, to have been void from the beginning: Except in ſo far as is expreſt in the Indempnity, Declarations and Proviſions, after-mentioned. Yet, notwithſtanding of all theſe provocations, the King's *Majeſty*, from His innate goodneſs, being more deſirous to reclaim His Subjects to their duty by Acts of Mercy, then to reduce them by their too much deſerved Cenſure, Doth of His meer favour and grace, with advice and conſent forelaid, Indemnifie all ſuch perſons, who ſat and acted in theſe pretended Parliaments and Committees, or who acted in order thereunto, or by vertue of, and in obedience to, the ſame, To be in all time coming, unqueſtioned in their lives and fortunes, for theſe their actings; Excepting ſuch as ſhall be excepted in a general Act of Indemnity, to be paſt by His *Majeſty* in this Parliament.

And

And forasmuch as the Ordinar Courts of Justice, did sit and act by Warrand of these Meetings, the King's *Majesty*, for the good and ease of the people, doth with advice foresaid, Declare, That none of the Acts, Decreets or Sentences, given by these who sat as Lords of Session, or as inferiour Judges within this Kingdom these years, nor no Execution following thereupon, are for want of lawful Authority to be questioned: Whereanent, His *Majesty*, with advice foresaid, by these presents dispenses. And also, His *Majesty*, considering that by a pretended Act and Commission, from the said pretended Meetings or Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another, dis-joyned and annexed, and divers other particulars decerned, in relation to the Plantation of Kirks: which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null. Yet, His *Majesty*, being desirous to give all due encouragements to the Ministers of the Gospel, doth, with advice and consent foresaid, Declare, That all Acts, Decreets and Sentences, pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in time coming, except such as upon the complaint of any party, shall be found to have been unjustly or exorbitantly pronounced and decerned. The determination whereof, is hereby referred by His *Majesty*, with advice and consent foresaid, to the Commission for Plantation of Kirks, to be established by His *Majesty* in this present Parliament; that they after hearing of parties, and consideration of particulars, may take such course for altering, annulling or allowing of what was done by vertue of the saids Commissions in the years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty, as they shall think just, conform to the standing Laws and Acts of Parliament, preceeding the year one thousand six hundred and fourty nine; and Ordains process upon supplication to be summarly granted, parties alwayes being cited, and that without any reduction. As also, with power to the saids Commissioners to be appointed, upon the dependence of the saids complaints and process, to discharge execution upon the foresaids Decrcets in whole or in part, as they shall find just, ay and while the matter may be determined by them. And forasmuch as by a pretended Commission for the Exchequer, divers Infeftments, Gifts and others, were past in the foresaids years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty; His *Majesty*, with advice foresaid, Declares, That all such Gifts, Infeftments and others, are and shall be valid, excepting alwayes new Gifts and Dispositions of Lands and others, granted and past to His Highness prejudice, and such other Gifts as upon the complaints of parties, shall by His *Majesties* Treasurer and Commissioners of Exchequer, be found to have been unjustly granted or past, In prejudice of prior Gifts under His *Majesties* Hand, though not past in Exchequer. And whereas by a pretended Act of the foresaid pretended Parliament, entituled, *Act abolishing the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any Laick Patron, Presbyteries or others, were discharged, and all Acts, Gifts and Rights, granted thereanent, Rescinded. And yet nevertheless, it was thereby declared, That the taking away of the Patronages, should not prejudge the Patrons Rights to the Teinds, nor weaken his Infeftment wherein the same is contained. And that the Teiths of the Kirks, whereof the Presentations were abolished, should belong heretably to the Patrons, and be inserted in their Rights and Infeftments in place of their Patronage, with power to the Patron to dispone upon the saids Teinds, in manner and with the exception contained in the said Act. And notwithstanding that the foresaid Act and whole Parliament be declared null; yet nevertheless, His *Majesty*, with advice foresaid, doth by these presents Declare, That it shall be lawful to Laick Patrons or Heretors, to agree with the beneficed persons for Tacks or Rights of Teinds, belonging to the said beneficed person, according to the Laws of the Kingdom; with this provision that the saids Tacks, shall be no wayes prejudicial to the Stipend and Maintenance of the Ministers and persons to be presented, according as the same hath been already modified, or shall be modified in time coming; and that notwithshanding of any Acts or Statutes made in the contrair. All which Acts, his *Majesty*, with consent foresaid, by these presents Discharges; And in like maner, His *Majesty*, with advice foresaid, Declares, That as to such persons who are presently in possession of Kirks, pretaining to the saids Laick Patronages, the saids persons and Ministers shall, during their service, claime no right nor possession to the Teinds of their saids Kirks and Parochins, other then they had formerly before the making of this Act; they having alwayes a sufficient maintenance allowed and granted to them according to the Laws of the Kingdom.

X.

Act condemning the Transactions concerning the King Majesty, *whilst He was at* Newcastle, *in the years,* 1646. *and* 1647.

THe Estates of Parliament, considering the many sad and dangerous consequences that do accompany the neglect and contempt of lawful Authority; and that among the other Judgements, wherewith it pleaseth Almighty GOD to visit such who resist the Powers, and oppose the Commands of those intrusted by Him, as his *Vicegerents*, for the Government of His People, they are oft-times left to their own counsels, to do that which highly provokes GOD to wrath, renders themselves justly odious to the world, and hateful to their Posterity. Whereof there is too doolful an experiment in an Act of the printed Records of Parliament, of the sixteenth of *January*, one thousand six hundred and

and fourty ſeven, entituled, *Declaration of the Kingdom of* Scotland, *concerning the Kings* Majeſties *Perſon.* Which being now taken into conſideration, The Eſtates of Parliament do find and Declare, That it was carried on, and concluded by a prevalent party, againſt the judgement of many of His *Majeſties* Loyal Subjects; And that it is a moſt ſinful, diſloyal, and unworthy Act, contrary to the will and commandment of GOD; contrary to all Laws, Divine and Humane; contrary to the Duty and Allegiance of Subjects; contrary to all the rules of Juſtice, Honour, Gratitude and Humanity; and highly reflecting on the honour of this ancient Kingdom, and the reputation of His *Majeſties* good Subjects therein. And therefore, the Kings *Majeſty,* with advice and conſent of His Eſtates of Parliament, doth hereby Annull and Condemn the ſame for ever: And Ordains it to be expunged out of all Records, and never to be remembred again, but with due abhorrence and deteſtation.

And the Eſtates of Parliament, conceiving themſelves obliged in Conſcience, to make the truth of this buſineſs, and the manner of the carrying of it, known to the world, for the juſt vindication of this Kingdom, and His *Majeſties* dutiful and loyal Subjects, who otherwiſe may ſeem to be comprehended and concluded in it. They do therefore, from their certain knowledge, Declare, That even in that Parliament (from which many of His *Majeſties* good Subjects were debarred, for their affection and adherence to His *Majeſties* Service and Commands) there was a conſiderable number of worthy Patriots, of all Eſtates, who, at the paſſing of that baſe Act, gave a publick teſtimony and diſ-aſſent from it, which is here Recorded for their due honour; and for which, their memory will in all ages receive a famous celebration. And that there were divers others, who, upon the pretexts of Reformation, and aſſurances of the Safety of His *Majeſties* Perſon, being enveigled, were in the ſimplicity of their hearts drawn along for the time: But ſhortly thereafter, being convinced of their error, did imbrace the firſt opportunity to expiate the ſame, by freely hazarding their lives and fortunes in the year, one thouſand ſix hundred and fourty eight, to redeem His *Majeſty* from theſe reſtraints and dangers, which by that impious Act he was driven into. And therefore, His *Majeſty,* with advice and conſent foreſaid, doth Declare, That the Act of Parliament foreſaid, of the ſixteenth of *January,* one thouſand ſix hundred and fourty ſeven, is not to be look'd upon as the Deed of the Kingdom, but as the Act of a few diſloyal and ſeditious perſons, who, having upon ſpecious, but falſe pretences, ſcrewed themſelves into the Government, did by force of Arms, keep the ſame; and from the conſcience of their own guiltineſs, being afraid of the juſtice of His *Majeſties* Government, did violently carry on that Act. And in further owning thereof, did, in the ſaid year, one thouſand ſix hundred and fourty eight, riſe in Arms, in oppoſition to thoſe who endeavoured to reſtore His *Majeſty* to His Government, and to relieve Him from the impriſonment and hazard He was then lying under, as the natural effects of that unworthy tranſaction, ſo juſtly hereby condemned.

And for the further clearing of the ſenſe of this Kingdom, as to that baſe and treacherous Act, and the aſperſions which have been thereupon raiſed, as if there had been previous Tranſactions and Bargains of Money for carrying on of the ſame, The Eſtates of Parliament Declare, They do abominat the very thought of any ſuch thing; and that if at any time hereafter, there ſhall be diſcovery of any ſuch wickedneſs, (which they are confident GOD Almighty will in His juſtice bring to light, (if it be true) and wherein they earneſtly intreat the concurrence of all His *Majeſties* dutiful and loyal Subjects) The perſons guilty thereof, ſhall without mercy be purſued as the vildeſt of Traitours, and ſhall be incapable of the benefit of any Act of Pardon, Oblivion, or Indempnity for ever.

XI.

Act for taking the Oath of Alleagiance, and aſſerting the Royal Prerogative.

OUr Soveraign Lord, being truly ſenſible of the many ſufferings and ſad confuſions, that His dutiful and loyal Subjects have been brought under, during theſe troubles; and deſirous, that His Royal Government, in it's due Adminiſtration, may be refreſhing and comfortable unto them: And conceiving it neceſſar for that end, and for the honour and advancement of His own Service, the welfare and happineſs of His Subjects, and the peace and quiet of this Kingdom, that the places of publick Truſt (which be the Channels and Conduits by which His *Majeſties* Government is conveyed unto His people) be ſupplied and exerced by perſons of known integrity, abilities, and loyalty. Do therefore declare, That it is, and will be, His *Majeſties* Royal care, that thoſe whom (according to the undoubted Right of the Crown) He hath, or ſhall think fit to call to His Councils, or any publick imployments, ſhall be ſo qualified; And that for the full ſatisfaction of all His good Subjects, and for removing any ſcruples or jealouſies, can ariſe upon this account, they ſhall before their admittance to, or exerciſe of, any ſuch Truſt, give ſuch publick teſtimony of their Duty and Loyalty, as may evidence to the world, they are ſuch as the Kingdom and all honeſt men and good Subjects, may juſtly confide in. And therefore the Kings *Majeſty,* with advice and conſent of His Eſtates of Parliament, Doth Statute and Ordain, that all and whatſoever perſon, or perſons, who are, or ſhall be, nominat by His *Majeſty,* to be His Officers of State, of His Privy Council, Seſſion, or Exchequer, Juſtice-

Juſtice General, Admiral, Sheriffs, Commiſſars, and their Deputes, and Clerks, and all Magiſtrates and Council of Royal Burghs, at their Admiſſion to their ſeveral Offices, and before they offer to exerce the ſame, ſhall take and ſwear the Oath of Alleagiance, hereunto ſubjoyned. And alſo, that all other perſons who ſhall be required by His *Majeſties* Privy-Council, or any having Authoriry from them, ſhall be obliedged to take and ſwear the ſame.

And ſince all the troubles and miſeries that have overſpread this Kingdom, and almoſt deſtroyed all religious and civil, all publick and private intereſts, theſe twenty years by-gone and upwards, have ariſen and ſprung from theſe invaſions, that have been made upon, and contempts done to the Royal Authority and Prerogative of the Crown, His *Majeſty* conceives Himſelf obliedged, both for His own Royal intereſt, and for the publick intereſt and peace of His people, to be careful to prevent the like for the future. And therefore, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that all peſons, who are, or ſhall be called to any publick Truſt, as ſaid is, ſhall, beſide the taking of the Oath of Alleagiance, be obliedged before they enter to their Offices and Truſts, to aſſert under their hand writing, His *Majeſties* Royal Prerogative, as is expreſt in the Acts paſt in this preſent Parliament, and in the manner hereunto ſubjoyned: Certifying all ſuch, as, being required, ſhall refuſe or delay to take the Oath of Alleagiance, they ſhall not only thereby render themſelves uncapable of any publick Truſt, but be lookt upon as perſons diſ-affected to His *Majeſties* Authority and Government; and ſuch as ſhall refuſe, or delay to aſſert His *Majeſties* Prerogative, in manner under-written, ſhall from thenceforth be uncapable of any publick Truſt within this Kingdom.

Follows the Oath of Alleagiance.

I, *For teſtification of my faithful obedience to my moſt gracious and redoubted Soveraign,* CHARLES, *King of* Great Britain, France *and* Ireland, Defender of the Faith, &c. *Affirm, teſtifie and declare, by this my ſolemn Oath, That I acknowledge my ſaid Soveraign only ſupream Governour of this Kingdom, over all Perſons and in all Cauſes; and that no Forraign Prince, Power, State or perſon Civil or Eccleſiaſtick, hath any Juriſdiction, Power or Superiority over the ſame: And therefore I do utterly renounce and forſake all Forraign Powers, Juriſdictions and Authorities; and ſhall at my utmoſt power, defend, aſſiſt and maintain His* Majeſties *Juriſdiction foreſaid, againſt all deadly, and ſhall never decline His* Majeſties *Power and Juriſdiction, as I ſhall anſwer to GOD.*

Follows the Acknowledgement of His MAJESTIES *Prerogative.*

FOraſmuch as the Eſtates of Parliament of this Kingdom, by their ſeveral Acts of the eleventh and twenty fifth of *January* laſt, have, from the ſenſe of their humble duty, and in recocogniſance of His *Majeſties* juſt Right, Declared, That it is an inherent Priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the ſole choice and appointment of the Officers of Eſtate, Privy-Councellors, and Lords of Seſſion; That the power of calling, holding and diſſolving of Parliaments, and all Conventions, and Meetings of the Eſtates, doth ſoly reſide in the Kings *Majeſty*, His Heirs and Succeſſors: and that as no Parliament can be lawfully kept, without the ſpecial warrand and preſence of the Kings *Majeſty*, or His Commiſſioner; So, no Acts, nor Statutes, to be paſt in any Parliament, can be binding on the people, or have the Authority and Force of Laws, without the ſpecial approbation of His *Majeſty*, or His Commiſſioner, interponed thereto at the making thereof; That the power of Armes, making of Peace and War, and making of Treaties and Leagues with Eorreign Princes or States, or at home by the Subjects among themſelves, doth properly reſide in the Kings *Majeſty*, His *Heirs* and Succeſſors, and is their undoubted Right, and their's alone; And that it is high Treaſon in the Subjects of this Kingdom, or any number of them, upon whatſoever ground, to riſe or continue in Armes, to maintain any Forts, Gariſons or Strengths, to make Peace or War, or to make any Treaties or Leagues with Forreigners, or among themſelves, without His *Majeſties* Authority firſt interponed thereto; That it is unlawfull to the Subjects, of whatſoever quality or function, to convocate, conveen or aſſemble themſelves, for holding of Councils, Conventions and Aſſemblies, to Treat, Conſult and Determin in any matters of State, Civil or Eccleſiaſtick (except in the ordinary judgements) or to make Leagues, or Bonds, upon whatſoever collour or pretence, without His *Majeſties* ſpecial conſent and approbation had thereunto; That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpoſe by Armes, or any ſeditious way, in any thing concerning the Religion and Goverment of the Churches in *England* and *Ireland*, or in what may concern the Adminiſtration of His *Majeſties* Government there: and that none of His

Majeſties Subjects ſhould preſume, upon any pretext of any Authority whatſoever, to require the renewing or ſwearing of the ſaid League and Covenant, or of any other Covenants or publick Oaths concerning the Government of the Church or Kingdom; And that none offer to renew or ſwear the ſame, without His *Majeſties* ſpecial warrand and approbation, &c. *I do, conform to the Acts of Parliament aforſaid, Declare, That I do with all humble duty acknowledge His* Majeſties *Royal Prerogative, Right and Power in all the particulars, and in the manner aforementioned; and that I do heartily give my conſent thereto, by theſe preſents: Subſcribed by me, at*

XII.

Act concerning the Judicial proceedings in the time of the late Uſurpers.

FOraſmuch as ſince the year of GOD, one thouſand ſix hundred and fifty one, the late Uſurpers did take upon them to eſtabliſh Judicatories, ſuperior and inferior, within this Nation; as Judges for Adminiſtration of Juſtice, in place of the Judicatory of the Seſſion formerly eſtabliſhed by Law, Commiſſioners for the Admirality, Sheriffs of Shires, Commiſſars, Juſtices of Peace, and other inferiour Courts. In which Courts the people did in name of the Uſurpers, or under the notion of the Keepers of the Liberties, proſecute and defend their ſeveral Cauſes and Intereſts, theſe many years paſt. And his *Majeſty* conſidering that the matters agitate, purſued and concluded, were for the moſt part, things of courſe, belonging to the ordinary Judicatories formerly eſtabliſhed in this Kingdom; and being unwilling that the people ſhould be put to any further trouble, where Matters have been acted, and Caſes determined, according to Law: Therefore, His *Majeſty*, with conſent of the Eſtates of Parliament, Declares, That all and whatſoever Acts, Interloquutors, Decreets and Sentences, made, pronounced and given forth by the ſaids Courts, ſuperior and inferior, with all execution thereupon, and all execution by Horning, Inhibition, Caption, Compriſing, Poynding and others, to have been, and to be, valid, and ſtand in full force, notwithſtanding of the unlawfulneſs of the Authority, by which theſe Courts were held, and the execution uſed: But becauſe the Judges or Commiſſioners for Adminiſtration of Juſtice, did ſometimes proceed in an arbitrary way, contrair to Law and Juſtice; and at other times, many of them being ſtrangers and ignorant of the Law, did proceed unwarrantably and unjuſtly betwixt parties. Therefore, His *Majeſty*, with coſent foreſaid, doth Declare, That whatſoever perſon or perſons, hath any juſt reaſon to quarrel their Acts, Interloquutors, Decreets, and Sentences, they are hereby warranded and allowed to do the ſame, without any Reduction or Suſpenſion, within the ſpace of one year, next after the down-ſitting of the Seſſion: And if parties complainers be Minors, within the ſpace of year and day, next after they ſhall attain the age of twenty one years compleat, Parties alwayes being lawfully cited thereto. And if any perſon or perſons, be charged under the pain of Horning, Suſpenſion ſhall be granted to them upon Caution, or if they be not able to find Caution, *ſuper Cautione Juratoria.* And if it ſhall be found, that the complainer doth, without any juſt ground, unneceſſarly vex the party complained upon, in that caſe, the Lords of the Seſſion are hereby authorized, to determine the parties damage and charges to be paid by the unjuſt complainer. Likeas, all Decreets before the ſaids pretended Commiſſioners for adminiſtration of Juſtice. whether given in abſence, or parties compearand, are hereby allowed to be brought in queſtion, reviſed aud recognoſced, in manner foreſaid. And whereas there be many Proceſſes as yet depending undecided, upon Summons and Letters raiſed in the ſaids Uſurpers names, the ſame Proceſſes ſhall be all wakned in His *Majeſties* Name, and be put to a final cloſe by the Lords of Seſſion, as if they had been intended from the beginning, in His *Majeſties* Name and Authority. And whereas, any Acts or Decreets have been made or given forth in the Admiral Courts, or any other inferiour Courts, the ſame may be brought in queſtion before the Lords of Seſſion, in the ſame form and manner as was formerly eſtabliſhed by Law and Practick of this Kingdom.

And foraſmuch as the ſaid Uſurpers, did from time to time, nominate and appoint Commiſſioners of Exchequer, having the ſame power to paſs all ſorts of Writs, Signators and others, and to diſcuſſe Proceſſes and Suſpenſions, in the ſame manner as His *Majeſties* Treaſurer and Commiſſioners, appointed by His *Majeſty*, had power to do; Therefore, His *Majeſty*, with advice and conſent foreſaid, for the good and eaſe of His people (under the proviſions under-written) doth Declare, all and whatſoever Writs, Gifts, Signators of whatſoever nature and quality they be of, paſt and exped the Privy great and quarter Seals *reſpective*, or paſt according to pretended Orders for the time, when there were no Seals, to be of full force and effect; Providing alwayes, that where any Signators were paſt in Exchequer under the Uſurpers, and the Compoſition paid, aud yet not paſt the Seals, the ſame ſhall be preſented and paſt in Exchequer, *de novo*, if there be reaſon therefore, without any Compoſition; and where Reſignations only have been made upon Procuratories in the Uſurpers time, Signators may without new reſignation paſs thereupon. It is alſo provided, that this Act be no wiſe extended to new Gifts of Lands, Teinds and othets, paſt to the prejudice of His *Majeſty*, nor to Gifts of Baſtardie, or *ultimus Hæres*, unleſs the ſame be of new ratified and approven by His *Majeſties* Treaſurer

Treaſure and Commiſſioners of Exchequer, nor to any other Gifts, Confirmations, Charters upon Reſignation, where the ſaids Gifts, Confirmations and Charters were made and granted, in prejudice of any perſon or perſons who had former rights granted unto them by His *Majeſty*, or His Royal Father of bleſſed memory, under their Seals, or Paſt their Royal Hands. And generally providing, that all and whatſoever Gifts, Grants, Commiſſions, Charters and other Writs whatſoever, paſt in Exchequer, and through the Seals in the Uſurpers time, and all and whatſoever Acts and Sentences pronounced and given forth by them, ſhall and may, be called in queſtion at the Inſtance of any of the people, who may pretend to have been unjuſtly wronged and prejudged thereby: And that upon complaints to be given into His *Majeſties* Treaſurer and Commiſſioners of Exchequer, wherein they ſhall have power to determine, as they ſhall think juſt and reaſonable.

XIII.

Act and offer of Fourty thouſand pounds Sterling, *to be paid to the Kings Majeſty yearly during His lifetime by this Kingdom*

THe Eſtates of Parliament, taking to their conſideration, the great happineſſe this Kingdom hath in former time injoyed, under the Government of His *Majeſties* Royal Anceſtors, with the miſeries and bondage, which by the neglect and contempt of the Authority, and commands of His Royal Father of bleſſed memory, it hath groaned under, during theſe twenty years troubles. And that the Kings *Majeſty*, hath been graciouſly pleaſed (notwithſtanding of all the provocations given to himſelf and His Royal Father) to evidence His affection and favour to this His ancient Kingdom, comforting and reviving it, by the Rayes of His Royal Government and Authority, under the protection of which, the juſt Liberties, Freedom and Intereſt of this Kingdom, and the Subjects thereof, are, and can only be, ſecured; Do with all humble duty, thankfulneſſe and ſincerity, acknowledge His *Majeſties* unparallel'd Grace and Goodneſſe. And that as their happineſſe doth depend upon the Safety of His *Majeſties* Perſon, and the eſtabliſhment and exerciſe of His Royal Authority and Greatneſſe: So this Kingdom will be ready at all occaſions, to offer their Lives and Fortunes againſt all deadly, in every cauſe, wherein His *Majeſties* Perſon, Authority, Prerogative, or Government may be concerned. And ſeeing, for the due eſtabliſhment of His *Majeſties* Authority, and ſettling and ſecuring the peace of this Kingdom, His *Majeſty* may have occaſion, for ſome time, to raiſe and keep ſome Forces within the Kingdom; and that the late troubles will at preſent, neceſſitate a greater expence, for ſupport of the Royal Government, then formerly, and that His *Majeſty* hath ſignified His reſolution, not to raiſe any more Seſs; Therefore, and from the due ſenſe of their duty and obligations, the Eſtates of Parliament, Do in name of the Kingdom, make humble and chearfull offer to his *Majeſty*, of a yearly Annuity, of Fourty thouſand pounds *Sterling*, during all the dayes of His *Majeſties* lifetime, which they pray may be long and proſperous, that this Kingdom may have further occaſion, to let the world know, they do above all things, hate the very thoughts of diſloyalty, and that no people under Heaven, can expreſſe more duty and obedience to the Authority and Commands of their Soveraign, then they are, and will be ready to do.

XIV.

Act for raiſing the Annuity of Fourty thouſand pounds Sterling, *granted to His* Majeſty.

THe Eſtates of Parliament, in purſuance of their Act, of the date the twenty two day of this inſtant; whereby they have made offer to His *Majeſty* of the ſum of Fourty thouſand pounds *Sterling* yearly during all the dayes of His *Majeſties* lifetime, towards the entertainment of any ſuch Forces as His *Majeſty* ſhall think fit to raiſe and keep up within this Kingdom; or otherwayes towards the defraying of the neceſſary charge of His Government, according to His Royal pleaſure; Appoints and Ordains the ſaid ſum of Fourty thouſand pounds *Sterling*, being Four hundred fourſcore thouſand pounds *Scots* money, to be raiſed, levied, collected and paid, in manner under-written; *viz.* Ninty ſix thouſand pounds *Scots* thereof to be raiſed yearly off the Inland Salt and Forraign Commodities aftermentioned; To wit, threeſcore twelve pounds *Scots* upon ilk Tun of Spaniſh Wine, Cannary, Malveſie, and all other Wines of the like kind; Fourty eight pounds money foreſaid, upon ilk Tun of French Wine, and twelve pennies money foreſaid, upon ilk pint of Vineger; ſix pounds upon ilk Barrel of Imported Soap: fourty ſhillings upon ilk Boll of Forraign Bey-ſalt, and Salt upon Salt;

Linlithgow Measure; twenty shillings upon ilk Boll of imported White-salt, and fifteen shillings upon ilk Boll of In-land Salt, measure foresaid: But prejudice nevertheless to the present Tack-men of the Forrein and In-land Salt, during the time set to them by the Commissioners of Excise, to exact the Rates therein mentioned: twelve pennies money foresaid, upon ilk pound of Tobacco, imported by the Natives of this Kingdom, from the Tobacco Plantations, and three shillings upon ilk pound imported thence by Forreigners. *Item* three shillings upon each pound of Tobacco, imported by the Natives of this Kingdom, from any other place then the foresaids Plantations, and six shillings upon ilk pound imported by Forreigners; twelve shillings upon ilk Ell of Cloath imported into this Kingdom above six pounds the Ell, and six shillings upon ilk Ell of imported Cloath at or below six pounds the Ell: six shillings the Ell upon all sort of imported Searges; three shillings upon ilk Ell of Castilians, or other imported Worstead Stuffs whatsoever; three shillings upon ilk Ell of all sorts of imported Hair Stuffs whatsoever; three pound twelve shillings upon the Piece of ilk Baver-Hat, one pound six shillings upon ilk Demy-baver and Vigon, and twelve shillings upon the Piece of all other sorts of Hats imported into this Kingdom; one pound sixteen shillings upon the dozen of all imported Worstead Stockins; twelve shillings upon the pair of double Stag-gloves; six shillings upon the pair of single Stags and Cordivans; three shillings upon ilk pair of Kids, Sheep and Lamb Leather, and all other sort of Gloves; one pound sixteen shillings upon ilk Trunk of the largest size; one pound four shillings upon ilk Trunk of middling size; twelve shillings money foresaid upon ilk Leather Male of the largest size; six shillings upon ilk Leather Male of middling size, imported into this Kingdom, and one shilling, all *Scots* money foresaid, upon the pound value of all other Forreign Commodities (except the particulars after excepted) to be paid by the Retailer: that is to say, The first Buyer of the saids Commodities from the Importer, or Salt-maker of Inland Salt, or by the saids Importer or Salt-makers, for what they shall either make use of themselves, or sell out in Pracels. *Item* twenty shillings upon ilk Horse; eighteen shillings upon ilk Cow, and two shillings money foresaid upon ilk Sheep imported into this Kingdom, to be paid by the Importer thereof. The particular ordering and regulating of the which Excise of the Commodities above-written, is hereby remitted to the Commissioners of Excise, who are to put the same in Farm or Collection to the best avail

Provided alwayes, likeas it is hereby expresly provided, that the Forreign Commodities aftermentioned; *viz.* All Salt imployed upon Barrell'd fish, whether tranported out of this Kingdom or made use of within the same; All Pitch, Tar, Cordage, Cork, Nets, Iron, Copper, Brass, Tin unmade, Pot-ashes, Oyl, and all other ingredients for Soap; all Flax, Hemp and Hops, untwined Silk; all Materials for dying; all Deals, Trees, Stings for Coupers, Knapl, Wainscot, Planks, and Oak-wood whatsoever for shipping; Barrelstaffs or Materials whatsoever for fishing; all Suggars, brought from the Plantations in *Scots*-bottomes; all unfined Suggar, brought from any place: As also, all Materials for Manufacturies, as *Spanish* and *Sigovia* Wool and others, are and shall be free of any Excise imposed by vertue of this present Act.

And the remainder of the foresaid four hundred fourscore thousand pounds *Scots* money, being three hundred eighty four thousand pounds, to be raised out of the Bear, Ale, Aquavitæ and strongwaters, at the rate of two merks *Scots* upon ilk Boll of Malt, brewed and sold within this Kingdom; three shillings money foresaid upon ilk pint of Aquavitæ or Strongwaters not made of Malt, brewed and sold within this Kingdom; six shillings upon ilk pint of Forreign Aquavitæ or strongwaters, and twelve shillings upon ilk Barrel of imported Bear: And what this imposition shall be short of the *quota* of Excise, imposed upon the several Shires and Burghs by the List under-written, the same to be supplied by the saids Shires and Burghs, in lieu of the Malt brewed in their own houses, in manner after-mentioned. Likeas it is hereby declared, that the said several Shires and Burghs shall be, and are by these presents lyable in the payment of the respective Monethly proportions underwritten, *viz.*

The Sheriffdom of *Edinburgh* principal (the Town of *Edinburgh* and pertinents excepted) in the sum of two thousand six hundred threescore four pounds, *Scots* money foresaid, monethly.

The Town of *Edinburgh*, comprehending *Cannongate*, *South* and *North-Leith*, with the whole pendicles and pertinents, in the sum of three thousand seven hundred thirty two pounds.

The Sheriffdom of *Haddingtoun*, and Burghs within the same, in the sum of one thousand six hundred fourscore fifteen pounds.

The Sheriffdom of *Berwick*, comprehending the Bailery of *Lauderdale*, and Burghs within the same, in the sum of six hundred ten pounds sixteen shillings.

The Sheriffdom of *Roxburgh* and Burghs within the same, in the sum of seven hundred fourscore pounds sixteen shillings.

The Sheriffdom of *Selkirk* and Burghs within the same, in the sum of one hundred fifty three pounds ten shillings.

The Sheriffdom of *Peibles* and Burghs within the same, in the sum of one hundred thirty seven pounds ten shillings.

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The Sheriffdom of *Lanerick* and Burghs within the ſame, (*Glaſgow* excepted) in the ſum of nine hundred threeſcore eight pounds eight ſhillings.

The Town of *Glaſgow*, in the ſum of one thouſand ſeven hundred fourty four pounds four ſhillings.

The Sheriffdom of *Dumfrieze* and Burghs within the ſame, in the ſum of five hundred threeſcore ſixteen pounds.

The Sheriffdom of *Wigtoun* and Burghs within the ſame, in the ſum of two hundred four pounds twelve ſhillings.

The *Stewartry* of *Kirkcudburgh* and Burghs within the ſame, in the ſum of three hundred fourty eight pounds.

The Sheriffdom of *Air* and Burghs within the ſame, in the ſum of one thouſand ſix hundred threeſcore fifteen pounds ſixteen ſhillings.

The Sheriffdom of *Dunbartoun* and Burghs within the ſame, in the ſum of one hundred fourſcore fourteen pounds.

The Sheriffdom of *Bute* and Burghs within the ſame, in the ſum of fifty ſeven pounds.

The Sheriffdom of *Renfrew* and Burghs within the ſame, in the ſum of four hundred fifty ſeven pounds four ſhillings.

The Sheriffdom of *Stirling* and Burghs within the ſame, in the ſum of nine hundred twenty pounds eight ſhillings.

The Sheriffdom of *Linlithgow* and Burghs within the ſame, in the ſum of ſeven hundred fourſcore nineteen pounds four ſhillings.

The Sheriffdom of *Pearth* and Burghs within the ſame, in the ſum of two thouſand three hundred threeſcore fourteen pounds ſixteen ſhillings.

The Sheriffdom of *Kincairden* and Burghs within the ſame, in the ſum of three hundred threeſcore three pounds twelve ſhillings.

The Sheriffdom of *Aberdeen* and Burghs within the ſame, in the ſum of two thouſand five hundred and eighteen pounds nineteen ſhillings.

The Sheriffdom of *Bamff* and Burghs within the ſame, in the ſum of three hundred fourſcore ſeven pounds three ſhillings.

The Sheriffdom of *Innerneſs* and Burghs within the ſame, in the ſum of ſix hundred fourſcore fourteen pounds eight ſhillings.

The Sheriffdom of *Elgin* and *Nairn* and Burghs within the ſame, including that part of the Paroch of *Ferin-toſh*, which pertains to the Sheriffdom of *Nairn*, in the ſum of five hundred thirty ſix pounds four ſhillings,

The Sheriffdom of *Cromarty* and Burghs within the ſame, in the ſum of thirty pounds.

The Sheriffdom of *Argyle* and Burghs within the ſame, in the ſum of one hundred fourſcore thirteen pounds ſixteen ſhillings.

The Sheriffdoms of *Fife* and *Kinroſs* and Burghs within the ſame, in the ſum of four thouſand fourſcore eight pounds eight ſhillings.

The Sheriffdom of *Forfar* and Burghs within the ſame, except as is aftet excepted, in the ſum of one thouſand fourſcore four pounds four ſhillings.

The Town and Paroch of *Dundee*, with the Miln and Miln-lands thereof, in one thouſand one hundred threeſcore two pounds four ſhillings.

The Sheriffdom of *Sutherland* and Burghs within the ſame, in the ſum of threeſcore twelve pounds twelve ſhillings.

The Sheriffdom of *Kaithneſs* and Burghs within the ſame, in the ſum of one hundred thirty three pounds four ſhillings,

The Sheriffdoms of *Orknay* and *Zetland* and Burghs within the ſame, in the ſum of one hundred fourſcore thirteen pounds ſixteen ſhillings.

The Sheriffdom of *Clackmannan* and Burghs within the ſame, in the ſum of two hundred fourty two pounds two ſhillings.

The Sheriffdom of *Roſs* and Burghs within the ſame, in the ſum of two hundred and four pounds.

And if the Exciſe impoſed upon the Inland Salt and Forreign Commodities, ſhall exceed the foreſaid ſum of ninety ſix thouſand pounds, appointed by this Act to be raiſed off the ſame, then the *ſuperplus* to be imployed and made uſe of, by ſuch as ſhall be intruſted by His *Majeſty* with that affair, for the relief of ſuch Shires and Burghs, as they ſhall find to be overburdened, or diſproportionat by the foreſaid Liſt. And for the better and more ſpeedy inbringing and payment of the ſaid three hundred and eighty four thouſand pounds, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, nominates, appoints, and ordains the perſons underwritten, to be Commiſſioners within the reſpective Shires and Burghs for regulating, ordering and upliting of the ſaid Exciſe; *viz.*

Edinburgh.

For the Sheriffdom of *Edinburgh* principal, the Town of *Edinburgh* and pertinents excepted, Lord *Ramsay*, *Walter* Lord *Torphichen*, *James* Lord *Forrester*, Sir *James Fouls* of *Collingtoun*, the Lairds of *Haltoun* elder and younger, Sir *John Wauchop* of *Nidrie*, Sir *Alexander Dalmahoy* of that ilk, Sir *John Nicolson* of *Poltoun*, Sir *James Dundas* of *Arniſtoun*, Sir *John Couper* of *Goger*, *Adam Cuninghame* of *Woodhall*, *George Fouls* of *Ravelſton*, Sir *John Fouls* his ſon, Mr. *John Young* of *Leny*, Mr. *Robert Preſtoun* of *Preſtoun*, *Patrick Hamiltoun* of *Preſtoun*, Sir *William Murray* Maſter of work, Mr. *Lawrence Scot* of *Bavilla*, *James Boyd* of *Temple*, Sir *Robert Murray* of *Cameron*, Mr. *Alexander Fouls* of *Ratho*, Sir *John Smith* of *Grothil*, *Edward Edgar* of *Peper-milne*, *John Bigger* of *Wolmet*, *Doby* of *Stainie-hill*, Mr. *William Little* of *Over Libertoun*, Sir *John Gibſon* of *Adeſtoun*, *Mirk Kerſe* younger of *Cockpen*, Mr. *Robert Dalgleiſh* of *Louriſtoun*, Sir *Thomas Thomſon* of *Dudinſtoun*, Sir *William Murray* of *Newtoun*, *Henry Elphingſtoun* of *Calderhall*, *Ramſay* of *Whythill*, *Thomas Craig* of *Rickertoun*, *William Murray* of *Long-harmiſtoun*, *Alexander Calderwood* in *Dalkeith*, the eldeſt Baily of *Muſſelburgh* for the time being.

For the Town of *Edinburgh*, the Magiſtrates and Council for the time being.

Haddingtoun.

For the Sheriffdom of *Haddingtoun* and Burghs within the ſame, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *John* Earl of *Tweddal*, *Alexander* Viſcount of *Kingſtoun*, *John* Lord *Belhaven*, Sir *Robert Dowglas* of *Blaikerſtoun*, *Hepburn* of *Wauchtoun*, *Ruthven* of *Dunglaſs*, Sir *Peter Wedderburne* of *Guſſurd*, *Francis Kinloch* of *Gilmertoun*, Mr. *Alexander Hay* of *Baro*, Mr. *John Hay* of *Aberlady*, Mr. *Cornelius Inglis* of *Eaſt-barnes*, *James Lawder* Baily in *Dunbar*, *William Seatoun* Provoſt of *Haddingtoun*, Sir *James Hay* of *Lindplump*, Sir *Robert Hepburn* of *Keith*, *George Cockburn* Tutor of *Ormeſtoun*, Sir *Thomas Hamiltoun* of *Preſtoun*, Sir *Alexander Moriſon* of *Preſton-grange*, *John Seatoun* of *Saintgermains*, Sir *James Durham* of *Luffneſs*, *George Hoom* of *Foord*, *Leadingtoun* of *Saltcoats*, *Hepburn* of *Smeitoun*, *Baily* of *North-Berwick*, *Alexander Cockburn*.

Linlithgow.

For the Sheriffdom of *Linlithgow* and Burghs within the ſame, *William* Duke of *Hamiltoun*, *George* Earl of *Linlithgow*, *Walter* Lord *Torphichan*, Sir *Archibald Stirling* of *Carder*, *Thomas Drummond* of *Rickertoun*, Sir *James Stewart* of *Kirkhill*, Mr. *Archibald Campbel* of *Kinpount*, Mr. *John Fairholm* of *Craigiehall*, *William Sharp* of *Houſtoun*, *Robert Hamiltoun* of *Dechmond*, Sir *Robert Drummond* of *Meidhop*, *George Drummond* of *Carloury*, *James Dundas* of *Mortoun*, Mr. *John Stewart* of *Ketleſtoun*, Mr. *Thomas Hamiltoun* of *Parklie*, Mr. *John Hay* of *Woodcockdeal*, Mr. *Andrew Keir* in *Burrowſtonneſs*, Mr. *James Hamiltoun* of *Weſtport*, *Thomas Hamiltoun* of *Bathgate*, *Patrick Murray* of *Levingſtoun*, Mr. *William Sandilands* of *Hilderſtonn*, *Alexander Levingſtoun* of *Craigingall*, ſuch of the Magiſtrates of *Linlithgow* for the time being as are not Brewers, *Archibald Wilſon* in *Queensferry*.

Pearth.

For the Sheriffdom of *Pearth* and Burghs within the ſame, *James* Marqueſs of *Montroſe*, *John* Earl of *Athol*, *James* Earl of *Tulibardin*, *Patrick* Earl of *Kinghorn*, *David* Viſcount of *Stormont*, *James* Lord *Drummond*, *James* Lord *Cowper*, *David* Lord *Lour*, *David* Lord *Madertie*, *Thomas* Lord *Ruthven*, *James* Lord *Rollo*, *Patrick* Maſter of *Gray*, *Mungo Murray* of *Gairth*, Sir *John Drummond* of *Burn-bank*, Sir *John Moncrief* of that ilk, *John Campbel* of *Glenurquhay*, Sir *John Chiſholm* of *Cromlicks*, Sir *James Drummond* of *Machany*, Sir *Thoms Stewart* of *Gairntullie*, Sir *William Stewart* of *Innereytie*, Sir *George Prectoun* of *Valefield*, Sir *Robert Nairn* of *Strathourd*, Sir *William Graham* of *Braco*, Sir *James Merſer* of *Adie*, Sir *Gilbert Stewart* of *Pilcaik*, *Robert Murray* of *Abercairny*, *Alexander Menzies* of that ilk, *Thomas Menzies* of *Inchaffray*, *Patrick Graham* of *Inchbraikie*, Mr. *John Nairn* of *Muckerſie*, *Robert Meinzies* of *Glaſſie*, *Robert Buchannan* of that ilk, Mr. *David Kinloch* of *Bandoch*, *Henry Stirling* of *Ardoch*, *John Kinloch* of *Gourdie*, *George Hay* of *Kirkland*, *George Hay* of *Balhouſie*, *Lawrence Oliphant* of *Bachtoun*, *William Murray* fiar of *Ochtertyre*, *Patrick Raitray* of *Craighill*, *John Campbel* of *Fordie*, *William Blair* of *Kinfains*, *Robert Murray* of *Buchantie*, *William Ogilvie* of *Mury*, *David Drummond* of *Innermey*, *Henry Murray* of *Lochlene*, *Andrew Toſheoch* of *Monivaird*, *George Graham* of *Monzy*, *Patrick Stewart* of *Ballenhane*, *Mungo Graham* of *Gorthy*, *Robert Campbel* of *Glenlyon*, *Alexander Robertſon* of *Strowan*, *Alexander Stewart*

Stewart of *Foſſe*, *John Nairn* of *Seggicdene*, *John Blair* of *Edblair*, *John Stewart* of *Sheirglaſs*, *Alexander Robertſon* of *Lud*, *John Henderſon* of *Brabſter*, *Duncan Robertſon* of *Auchleiks*, *John Stewart* of *Belnakeilie*, *Andrew Small* of *Dirninean*, *Alexander Robertſon* of *Douney*, *James Ogilvie* of *Muretoun*, *Peter Hay* of *Leyes* younger, *Patrick Hay* of *Pitfour* younger, *Donald Robertſon* of *Belnacraig*, . . *Spalding* of *Askintullie*, Mr. *John Paterſon* of *Benchillis*, *William Preſtoun* of *Valefield* younger, Mr. *Hugh Moncrief* of *Tibbermalloch*, Sir *David Carmichael* of *Balmedie*, *Hugh Mitchel* of *Kincarrochie*, *John Robertſon* of *Fornocht*, Mr. *John Drummond* of *Lenoch*, *James Gourlay* in *Culroſs*, the Provoſt, Bailies, Dean of Gild, and Treaſurer of *Pearth*, for the time being, the Bailies of *Culroſs* for the time, *Gilbert Campbel* of *Keathick*, *John Graham* of *Balgown*, Sir *Lawrence Oliphant* of *Gask*, *George Campbel* of *Crunane*, *Gilbert Ramſay* of *Bamff*, *William Murray* of *Keillor*, *Mitchel Balfour* of *Pirmaden*, *Campbel* of *Glenampil*, *James Gray* of *Balligerny*, *Thomas Turnbull* of *Bogemilne*, *William Kinmont* of *Hill*, *Alexander Lindſey* of *Evelick*, *George Murray* of *Tibbermure*, Mr. *Alexander Malloch* of *Cairnies*, *William Moncrief* of *Kintullo*, Mr. *John* Moncrief of *Culfargie*, *John Moncrief* of *Eaſter-Moncrief*, Sir *William Auchinleck* of *Balmano*, *William Bruce* of *Fingask*. *Robert Graham* of *Cairny*, *Patrick Butter* of *Gormak*, Sir *Alexander Blair* of *Balthiack*.

Roxburgh.

For the Sheriffdom of *Roxburgh* and Burghs within the ſame, *William* Earl of *Roxburgh*, *John* Earl of *Hadingtoun*, Earl of *Lothian*, Lord *Cranſtoun*, Sir *Archibald Dowglaſs* of *Cavers*, Sir *Gilbert Elliot* of *Stobs*, Sir *William Scot* of *Harden*, Sir *Gideon Scot* of *Haycheſter*, Sir *Thomas Ker* of *Cavers*, *Robert Ker* of *Gaitſhaw*, *Robert Ker* of *Crailinhall*, *Henry Mackdowgal* of *Mackairſtoun*, *John Rutherfoord* of *Edgerſtoun*, Mr. *Gilbert Elliot* of *Craigend*, *Patrick Scot* of *Thirleſtain*, *John Ker* of *Eliſhuch*, *James Linlithgow* of *Dry-grange*, *William Ker* of *Sunderlandhall*, *Henry Ker* of *Lintoun*, *John Turnbul* of *Minto*, *Robert Pringle* of *Stetchel*, *John Scot* of *Gorrenberry*, *Robert Ker* of *Graden*, *Robert Scot* of *Harwood*, *Robert Pringle* of *Cliftoun*, Mr. *John Scot* of *Langſhaw*, *Alexander Done* of *Newtoun*, *Gavin Elliot* of *Grange*, *Andrew Ker* of *Littledain*, and *Patrick Done* *John Rutherfoord* Provoſt of *Jedburgh*, and *John Rutherfoord* Baily.

Selkirk.

For the Sheriffdom of *Selkirk* and Burghs within the ſame, *John Murray* of *Philiphaugh*, *Thomas Scot* of *Whitſlaid*, Sir *Thomas Ker* of *Fairnely*, the Laird of *Whitebank* elder, *John Riddel* of *Haining*, *William Scot* of *Sintoun*, *William Scot* of *Hartwood-myres*, *William Scot* of *Tuſhelaw*, *John Murray* of *Eſcheſteil*, *John Scot* of *Woll*, *Patrick Murray* of *Helmburne*, *Thomas Scot* of *Todrig*, *John Scot* of *Langhop*, *Andrew Scot* of *Bowhill*, Mr. *John Angus* and *Robert Elliot* in *Selkirk*,

Lanerick.

For the Sheriffdom of *Lanerick* and Burghs within the ſame, *William* Duke of *Hamiltoun*, Earl of *Carnwath*, Lord *Fleming*, Sir *James Lockhart* of *Lee*, Sir *William Bailzie* of *Lamingtoun*, Sir *Robert Hamiltoun* of *Silvertounhill*, *VVilliam Lindſey* of *Covingtoun*, Sir *Thomas Hamiltoun* of *Preſtoun*, Sir *James Murehead* of *Lachop*, Sir *William VVeir* of *Stane-byres*, Sir *James Hamiltoun* of *Orbeſtoun*, *Gavin Hamiltoun* of *Raploch*, *James Hamiltoun* of *Dalzel*, Sir *VValter Stewart* of *Allentoun*, *Alexander Hamiltoun* of *Haggs*, *John Ballentyne* of *Corehouſe*, Sir *James Carmichael* of *Bonnietoun*, *James Hamiltoun* of *VVoodhall*, *Thomas Stewart* of *Cultneſs*, *James Stewart* of *Turrens*, *VVilliam Inglis* of *Eaſtſheil*, *Alexander Meinzies* of *Culterawes*, *John Roberton* of *Earnock*, Mr. *Archibald Fleming* of *Fairne*, Mr. *Archibald Robertoun* of *Bedlay*, *Claud Bailzie* of *Baigbie*, *VVilliam Lindſay* of *Belſtane*, *Robert Chancelor* of *Sheilhill*, *VVilliam Bailzie* of *Littlegil*, *James Murehead* of *Bradyſholme*, *John VVeir* of *Clouburn*, *James Cleland* of that ilk, *Samuel Lockhart* of . . Mr. *John Hamiltoun* of *Grene*, *VValter Lockhart* of *Kirktoun*, *James Hamiltoun* Commiſſar of *Lanerick*, Mr. *Henry Scot* of *Moſſennane*, and *James Threiplaud* of . . two of the Magiſtrates of *Lanerick* for the time being, and two of the Magiſtrates of *Rutherglen* for the time being.

For the Town of *Glaſgow*, which is excepted out of the Sheriffdom of *Lanerick*, the Magiſtrates and Council for the time being.

Drumfries.

For the Sheriffdom of *Drumfries* and Burghs within the ſame, *Robert* Earl of *Nithiſdail*, *James* Earl of *Queensberry*, *Gavin* Earl of *Carnwath*, *James* Earl of *Annandail*, *William* Lord *Drumlangrig*,

langrig, *Robert Fergusſon* of *Craigdonnoch*, *James Hunter* of *Ballagen*, Sir *Robert Murray* of *Glenmure*, *Robert Dalzel* younger of *Glenie*, *James Chrightoun* of *St. Leonards*, *Robert Maxwel* of *Cairnſelloch*, *Gilbert Richart* of *Barskimmng*, *William Douglas* of *Mortoun*, *James Johnſtoun* of *Coreheid* younger, Sir *James Johnſtoun* of *Weſterhall*, *John Irwing* Provoſt of *Drumfries*, *James Greer* Tutor of *Lag*, *Ambroſe Johnſtoun* of *Podein*, *John Scot* of *Newbnrgh*, *Chriſtopher Johnſtoun* of *Burnegleif*, *Hugh Sinclair* of *Ingleſtoun*.

Air.

For the Sheriffdom of *Air* and Burghs within the ſame, *William* Earl of *Glencairn*, Lord High Chancellor of *Scotland*, *Hugh* Earl of *Eglingtoun*, *John* Earl of *Lowdoun*, *William* Earl of *Drumfries*, *James* Lord *Kilmares*, *Alexander* Lord *Montgomery*, *John* Lord *Machline*, Lord *Creightoun*, *Allen* Lord *Cathcart*, *William* Lord *Boyd*, *John* Lord *Bargenie*, *William* Lord *Cochrane*, *William* Maſter of *Cochrane*, Sir *Robert Montgomery* of *Skelmorlie* Baronet, Sir *David Cunningham* of *Robertland* Baronet, *John Blair* of that ilk, Sir *William Moor* of *Rowaland*, *Robert Montgomery* of *Heſſilheid*, *James Dunlop* of that ilk, *David Montgomery* of *Langſhaw*, *Robert Ker* younger of *Kerſland*, *John Cunningham* of *Bedland*, *David Boyl* of *Kelburn*, *John Montfod* of that ilk, Sir *Hugh Campbel* of *Ceſnock*, Sir *James Dalrimple* of *Stair*, *John Chambers* of *Gaitgirth*, *John Cochran* of *Ochiltry*, *David Boſwel* of *Anchinlech*, *James Crightoun* of *St. Leonards*, *David Blair* of *Adamtoun*, *James Crightoun* of *Caſtlemains*, *Gilbert Ritchie* of *Barskimmin*, *Cunningham* of *Privick*, *William Campbel* of *Glaiſnock*, *Kennedie* of *Culen*, *Mure* of *Achindrain*, *Kennedie* of *Kirkmichael*, *Thomas Kennedie* of *Balterſan*, *Boyd* of *Trochreg*, *James Crawford* of *Ardmillon*, and *Kennedie of Cragoch*, the Provoſt and Bailies of *Air* for the time being, and the Provoſt and two firſt Bailies of *Irwin* for the time being.

Dunbartoun.

For the Sheriffdom of *Dunbartoun* and Burghs within the ſame, Lord *Fleming*, Sir *John Colquhoun* of *Luſs*, *John Naper* of *Kilmahew*, *Robert Hamiltoun* of *Barnes*, Sir *Humphrey Colquhoun* of *Balvey*, *William Bontin* of *Ardoch*, *John Semple* younger of *Fulwood*, *Aulay Mackaulay* fiar of *Ardincapill*, *Archibald Stewart* of *Scottiſtoun*, *James Fleming* of *Oxgang*, Mr. *James Fleming* of *Baloche*, Major *George Noble*, *Walter Watſon*, *John Cunningham*, *Robert Watſon*, and *John Smollat* Burgeſſes of *Dunbarton*.

Argyle.

For the Sheriffdom of *Argyle* and Burghs within the ſame, the Laird of *Glenurquhay*, Sir *Dougal Campbel* of *Auchinbreck*, *Donald Campbel* of *Barbreck*, Sir *James Lawmont* of *Inneryne*, *Alexander Macknachtan* of *Dunderave*, *Archibald Campbel* of *Kilmun*, Sir *Hugh Campbel* of *Caddel*, *John Mackdowgal* of *Dunolichie*, *Colein Campbel* of *Lochnazel*, *Duncan Stewart* of *Apyne*, *Murdoch Macklean* of *Lochbowie*, *Hector Macklean* of *Corloisk*, *Archibald Campbel* of *Glencarradel*, *Mackdonnal* of *Largy*, *Hector Mackaleiſter* of *Loup*, *Colein Macklauchlan* Captain of *Inchconnel*, *Archibald Campbel* Factor of *Ila*, *Dougal Campbel* of *Dail*, *Duncan Campbel* Baily of *Kintyre*, the Provoſt and Baylies of *Inverary* for the time being, and *George Campbel*.

Fife and Kinroſs.

For the Sheriffdoms of *Fife* and *Kinroſs* and Burghs within the ſame, *John* Earl of *Crawford Lindſay* Lord High Treaſurer, *John* Earl of *Rothes* Preſident of the Council, Earl of *Kelly*, Earl of *Weymes*, Viſcount of *Stormont*, Lord *Balgony*, Lord *Sinclair*, Lord *Burghly*, Lord *Melvil*, *William Scot* of *Ardroſs*, Sir *Philip Anſtruther* of that ilk, Sir *Thomas Gourlay* of *Kincraig*, Sir *David Auchmouty* of that ilk, Sir *John Weymes* of *Bogie*, Mr. *Alexander Merteyn* of *Strainery*, Sir *Alexander Gibſon* of *Dury*, *Patrick Lindſey* of *Wormeſtoun*, Sir *John Leſly* of *Newtoun*, *Young* of *Kirtoun*, Sir *Henry Wardlay* of *Pitrevy*, Sir *James Hacket* of *Pitfirrin*, *Arnot* of *Fairny*, Mr. *David Balfour* of *Andrew Murray* of *Pitlochie*, Sir *Andrew Ramſay* of *Abbotſhall*, *William Pitcairn* of *Forfar*, *Lindſey* of *Dowhill*, *Alexander Bruce* Brother to the Earl of *Kincairn*, *Lindſey* of Mouth, *John Ramſay* of *Brackmont*, *Lindſey* of *Kirkforfar*, *James Clerk* of *Pettincrief*, *Alexander Bruce* of *Broomhall*, *Andrew Carſtairs* Burgeſs of St. *Andrews*, *William Simpſon* Burgeſs of *Diſert*, *John Williamſon* Burgeſs of *Kirkaldy*, *George Turnbull* Burgeſs of *Cowper*, *Alexander Black* Burgeſs of *Anſtruther Eaſter*, *Peter Oliphant* Burgeſs of *Anſtruther Weſter*, *James Moncrief* Burgeſs of *Crail*, *David Seatoun* Burgeſs of *Bruntiſland*, *Thomas Thomſon* Burgeſs of *Inverkeithen*, *Robert Cunningham* Burgeſs of *Kinghorn*, *Peter Walker* Burgeſs of *Dumfermling*, *Thomas Peacock* Burgeſs of *Kilreny*, and *Walter Airth* Burgeſs of *Pettenweyme*.

Wigtoun.

For the Sheriffdom of *Wigtoun* and Burghs within the ſame, *James* Earl of *Galloway*, *Alexander* Lord *Gairlies*, *Andrew Agnew* appearand of *Lochnaw*, *Thomas Dunbar* of *Mochrum*, *Patrick Mackdowald* of *Logan*, *William Stewart* of *Caſtleſtewart*, *Uchtrick Mackdonnal* of *Freuch*, *William Gordoun* of *Craichlaw*, Sir *James Dalrimple* of *Stair*, *David Dumbar* of *Baldon*, *Alexander Maculloch* of *Ardvall*, *John Murray* of *Brughtoun*, *John Howſtoun* of *Drummaſtoun*, *William Stewart* of *Egirneſs*, *George Stewart* of *Tudergie*, *William Macguffock* of *Alterry*, *Thomas Stewart* of *Glentark*, *Richard Murray* of *Brughtoun* younger, *John Macculloch* of *Myrtoun*.

Stewartry of Kirkcudburgh.

For the Stewartry of *Kirkcudburgh* and Burghs within the ſame, *Robert* Earl of *Nithiſdail*, *James* Earl of *Galloway*, *Robert* Viſcount of *Kenmure*, *Alexander* Lord *Garlies*, *John* Lord *Herris*, *John* Lord *Kirkcudburgh*, *Robert* Maſter of *Herris*, *John Herris* of *Maybie*, Sir *James Murray* of *Babertoun*, *David Mackbrair* of *Newark*, *William Maxwel* of *Kirkhouſe*, Mr. *Alexander Spotſwood* of *Sweetheart*, Mr. *Thomas Hay* of *Lands*, *James Maxwel* of *Braikenſide*, *Roger Gordoun* of *Troquhen*, *William Gordoun* of *Shirrowers*, Mr. *William Gordoun* of *Earleſtoun*, *Robert Maxwel* of *Orchartoun*, *William Mackleland* of *Collin*, *George Maxwel* of *Munſhes*, *Richard Murray* of *Broughtoun*, *Alexander Muckghie* of *Balmackghie*, *William Greirſon* of *Bargaton*, *John Corſan* of *Sinnick*, *Gilbert Brown* of *Kempiltoun*, *John Dumbar* of *Machirmore*, *John Mure*, Tutor of *Caſſincarie*, *Patrick Mackie* of *Larg*, *Andrew Herroun* of *Kiruchtrie*, and *John Ewart* of *Mullack*, the Provoſt and Bailies of *Kirkcudburgh* for the time being, and the Provoſt of *Newgalloway* for the time being.

Peibles.

For the Sheriffdom of *Peibles* and Burghs within the ſame, *John* Earl of *Traquair*, *John* Earl of *Tweddale*, the Lairds of *Blackbarronie* elder and younger, *William Murray* of *Stainhope*, Sir *John Vaitch* of *Daick*, *John Vaitch* his ſon, Sir *Michael Naeſmith* of *Poſſa*, Sir *Robert Murray* of *Skirling*, *Robert Hunter* of *Polmude*, *William Horſburgh* of *Horſburgh*, *Walter Murray* of *Halmyre*, *Adam Murray* of *Cardon*, *James Geddes* of *Kirkurd*, *John Murray* of *Romanno*, Mr. *John Dickſon* of *Whitſleed*, *Alexander Baizie* of *Flemingtoun-milne*, Mr. *John Hay* of *Hayſtoun*, *George Tait* of *Pirne*, Mr. *William Burnet* of *Crirgeltie*, *George Brown* of *Scotſtoun*, *William Brown* of *Stevinſon*, *James Lawſon* of *Cairnmure*, *William Goven* of *Cardrona*, *Hamiltoun* of *Caldcoat*.

Bute.

For the Sheriffdom of *Bute* and Burghs within the ſame, *William* Duke of *Hamiltoun*, Sir *James Stewart* Sheriff of *Bute*, *Dougal Stewart* his ſon, *Hector Bannatine* of *Beams*, *Ninian Stewart* of *Kileatten*, *Ninian Stewart* of *Aſkboag*, *John Stewart* of *Ardinho*, *John Hamiltoun*, Baily of *Arran*, *William Hamiltoun* of *Coats*, *James Stewart* of *Kinwhinlick*, and *John Glask* of *Branſer*, the Provoſt and Bailies of *Rothſay* for the time being.

Stirline.

For the Sheriffdom of *Stirline* and Burghs within the ſame, *William* Duke of *Hamiltoun*, *James* Marqueſs of *Montroſe*, Earl of *Wigtoun*, *James* Earl of *Callender*, Lord *Fleming*, *James* Lord *Forreſter*, *Alexander Levingſtoun* Nevoy to the Earl of *Callender*, Sir *William Levingſtoun* of *Weſtquarter*, Sir *Robert Elphingſtoun* of *Quarrel*, *Normand Levingſtoun* of *Milnehill*, Mr. *Andrew Oſwald* of *Dalderſe*, *John Rollo* of *Woodſide*, *William Bruce* of *Newtoun*, *Thomas Elphingſtoun* of *Catherhall*, *Jon Murray* of *Polmais*, *James Seatoun* of *Touch*, Sir *John Rollo* of *Bannackburne*, Sir *Charles Erſkin* of *Alva*, *William Stirline* of *Herbertſhire*, *Alexander Mouro* of *Bearcrofts*, Sir *James Levingſtoun* of *Kilſyth*, *Hamiltoun* of *Pardewic*, *John Stirline* of *Bankel*, Sir *George Stirline* of *Keir*, Sir *Mungo Stirline* of *Glorat*, *Buchannan* of that ilk, *Alexander Glaſs* of *Coltinghooſe*, Sir *John Stirline* of *Carden* younger, *Walter Leckie* of *Deſhors*, *John Leckie* of that ilk, *Alexander Cunningham* of *Bowhan*, and Mr. *Alexander Nairn* of *Eaſter-Greenyards*, the Provoſt, Bailies, Dean of Gild, and Treaſurer of the Town of *Stirline* for the time being.

Bamff.

For the Sheriffdom of *Bamff* and Burghs within the ſame, *William* Earl of *Marſhal*, Earl of *Findlator*, *Walter Ogilvy* of *Boyne*, Sir *John Gordoun* of *Park*, Sir *Alexander Urquhart* of *Dunlugus*, *William Innes* of *Kinermonie*, Mr. *John Abercrombie* of *Glaſſock*, *George Gordoun* of *Thornbank*, *Alexander Garden* of *Troup*, *James Innes* of *Auchrosk*, Sir

Alexander Abercrombie of *Birkinboge*, *William Dalgarno* of *Blackwater*, and *Alexander Ogilvie* of *Kempcairn*. The Provoſt and Bailies of the Town of *Bamff* for the time being, and the Bailies of *Culen* for the time being.

Sutherland.

For the Sheriffdom of *Sutherland* and Burghs within the ſame, Earl of *Sutherland*, *George* Lord *Stranaver*, Lord *Rae*, *Alexander* Lord *Duffus*, *Robert Gordoun* of *Langdail*, Sir *Robert Gordoun* of *Embo*, *Robert Gray* of *Skibo*, *Robert Gordoun* of *Carrol*, *Hugh Macky* of *Scowry*, *Angus Macky* of *Melnies*, *John Sutherland* of *Clyne*, *William Gordoun* of *Dalphollie*, the Provoſt of *Dornoch* for the time being, and *Alexander Gordoun* Burgeſs there.

Clackmannan.

For the Sheriffdom of *Clackmannan* and Burghs within the ſame, *Henry Bruce* of *Clackmannan*, Sir *Charles Erskin* of *Alva*, Mr. *Robert Bruce* of *Schanbodie*, *John Nicolſon* of *Dillicultrie*, *David Bruce* of *Kennet*, *William Stirline* of *Herbertſhire*, Mr. *Thomas Naper* Baily in *Allaway*, *Patrick Burn* of *Sheirdel*, and *Iohn Keirie* in *Allaway*.

Elgin.

For the Sheriffdom of *Elgin* and Burghs within the ſame, *Alexander* Earl of *Murray*, *Alexander* Lord *Duffus*, *Iames Grant* of *Freuchie*, Sir *Robert Innes* of that ilk, *Thomas Mackenzie* of *Pluſcardin*, Sir *Robert Innes* of *Muirtoun*, *Iames Brodie* of that ilk, *Robert Cuming* of *Altar*, *Walter Kinnaird* of *Cubin*, Sir *Alexander Innes* of *Cokſtoun*, Sir *Robert Dunbar* of *Grainghil*, *Iohn Stewart* of *Newtoun*, *Alexander Dowglaſs* of *Speiney*, *Alexander Tulloch* of *Tannachie*, *David Dunbar* of *Dunfail*, *George Innes* of *Caldcoats*, *Iohn Grant* of *Ballandolloch*, *Patrick Grant* of *Achehangin*, *William Grant* of *Cardels*, *Iames Grant* of *Achernick*, the Provoſt and two Bailies of the Burgh of *Elgin* for the time being, the Provoſt and eldeſt Baily of the Burgh of *Forres* for the time being.

Innerneſs.

For the Sheriffdom of *Innerneſs* and Burghs within the ſame, the Earl of *Murray*, the Earl of *Seafort*, *Iames Grant* of *Freuchie*, *Lauchlan Mackintoſh* Uncle to the Laird of *Mackintoſh*, *Iohn Forbes* of *Cullodin*, *Hugh Fraſer* of *Belladrum*, *Alexander Mackintoſh* younger of *Connedge*, *Hugh Fraſer* of *Foyer*, *Donald Mackintoſh* of *Oldourie*, Mr. *Roderick Mackeinzie* of *Kilmure*, *Alexander Graham* of *Drynie*, Sir *Iohn Urquhart* of *Cromarty*, *Alexander Dunbar* of *Kennedfield*, *Kenneth Mackeinzie* of *Coul*, *Roderick Mackeinzie* of *Davachmaluake*, *Roderick Mackeinzie* younger of *Ferburn*, *Colein Mackeinzie* of *Reidcaſtle*, *Iohn Cuthbert* of *Caſtlehill*, *Eune Macpherſon* Tutor of *Cluny*, Sir *Norman Mackleod* of *Kernary*, *Iohn Grant* of *Garthirmore*, *Mungo Grant* of *Cunnigars*, *Iames Grant* of *Sheuglie*, the Provoſt and Bailies of *Innerneſs* for the time being, *Iames Anderſon* and *Robert Innes* in *Forteroſe*, the Provoſt and one of the Bailies of *Dingwal* for the time being.

Cromarty.

For the Sheriffdom of *Cromarty* and Burghs within the ſame, Sir *Iohn Urquhart* of *Cromarty*, *Alexander Urquhart* of *Kinnudie*, *Alexander Clunes* Baily of *Cromarty*.

Renfrew.

For the Sheriffdom of *Renfrew* and Burghs within the ſame, *Hugh* Earl of *Eglingtoun*, *Iames* Lord *Kilmares*, *Alexander* Lord *Montgomery*, *George* Lord *Roſs*, *William* Lord *Cochrane*, *William* Maſter of *Cochrane*, the Lairds of *Houſtoun* elder and younger, the Lairds of *Blackhall* elder and younger, Sir *Patrick Maxwel* of *Newwark*, Sir *George Maxwel* fiar thereof, Sir *Iames Hamiltoun* of *Orliſtoun*, *Alexander Cunningham* of *Craigans*, *Pollock* of that ilk, Sir *Iohn Shaw* younger of *Greinock*, *Cornelius Crawford* of *Jordanhill*, the Laird of *Biſhoptoun* younger, *Alexander* and *John Poterfields* elder and younger of *Duchel*, *Patrick Fleming* of *Barnchano*, *George Howſtoun* of *Johnſtoun*, *John Maxwel* of *Blackſtoun*, *Archibald Stewart* of *Scotiſtoun*, *John* and *James Maxwels* elder and younger of *South-barn*, *James Brisbane* of *Serviland*, *Matthew Brisbane* of *Roſland*, Sir *Adam Blair* of *Lochwood*, *Andrew Sempil* in *Renfrew*, *Robert Pollock* of *Milburn*, the Bailies of *Paiſlie* for the time being, and *James Dunlop* of *Howſil*.

Aberdeen.

For the Sheriffdom of *Aberdeen* and Burghs within the ſame, Colonel *George Keith* of *Aden*,

Aden, *Alexander Frazer* elder of *Philorth*, Sir *John Gordoun* of *Haddoe*, Sir *John Forbes* of *Watertoun*, Sir *John Keith* Knight Marſhal, Sir *James Baird* of *Achmedden*, *Robert Irwing* of *Leddert*, *George* Gordoun of *Coclarachie*, *John Gordoun* of *Blelack*, *Alexander Fraſer* younger of *Philorth*, *Alexander Keith* younger of *Ludquhairn*, *John Udnie* of that ilk, Major *George Keith* of *Enock*, *Alexander Bannerman* of *Elſick*, *Bannerman* his Son, *John Gordoun* of *Feehil*, Lievtenant Colonel *Forbes* of *Fouls*, *John Seatoun* of *Thorntoun*, *Alexander Straquhan* younger of *Glenkinidie*, *Francis Frazer* of *Kinmundie*, *Erskin* of *Pittodrick*, *Alexander Erskin* of *Rothnie*, *Alexander Lumſdaine* of *Caruday*, Colonel *John Fulertoun* of *Dudwick*, *John* Meldrum of *Hattoun*, and *John Gordoun* of *Auchleuchries*, the Provoſt, Bailies, Treaſurer, and Dean of Gild of *Aberdeen* for the time being, the Provoſt and two Bailies of *Kintore* for the time being, *John Johnſtoun* Baily of *Inverury*, and *William Ferguſon* younger Burgeſs there.

Roſs.

For the Sheriffdom of *Roſs* and Burghs within the ſame, *Kenneth* Earl of *Seafort*, Sir *George* Mackenzie of *Tarbit*, *David Roſs* of *Belnagonie*, *John* Monro younger of *Foulis*, *David Roſs* of *Pitcalnie*, *William Roſs* of *Grunord*, *Walter Innes* of *Inuerbreckie*, *Hector Dowglas* of *Muldarg*, *Hector* Mackenzie of *Aſſint*, Mr. *Thomas Mackenzie* of *Inerlael*, Sir *William Sinclair* of *May*, *William Sinclair* of *Dunbeath*, Sir *George* Monro of *Culkairn*, and *James Hay* Burgeſs of *Tain*.

Kincardin.

For the Sheriffdom of *Kincardin* and Burghs within the ſame, *William* Earl of *Marſhal*, *John* Earl of *Middletoun*, *Robert* Viſcount of *Arbuthnet*, *Alexander* Lord *Halkertoun*, and in his abſence *Alexander* Maſter of *Halkartoun*, *Alexander Straton* of that ilk, Sir *John Keith*, *Alexander Bannerman* of *Elſick*, and *Bannerman* his ſon, *David Ramſay* younger of *Balmayn*, Sir *James Straquhan* of *Thorntoun*, Sir *Robert Graham* of *Morphie*, Sir *Alexander Burnet* of *Leyes*, Sir *Francis Ogilvie* younger of *New-grange*, *John Barklay* of *Johnſtoun*, Colonel *Henry Barklay* of *Knox*, *Arthur Stratoun* of *Snadoun*, *Falconer* of *Glenforquhar*, *Robert Keith* of *Whitriggs*, *William Rait* younger of *Halgrein*, *Andrew Wood* of *Babignie*, *Allereds* of *Allereds*, Sir *James Ramſay* of *Benholme*, Sir *Alexander Carnagie* of *Pittaro*, *Andrew Arbuthnet* of *Fiddes*, Mr. *William Ramſay* of *Woodſtoun*.

Caithneſs.

For the Sheriffdom of *Caithneſs* and Burghs within the ſame, Earl of *Caithneſs*, Sir *William Sinclair* of *Mey*, *William Sinclair* of *Ratter*, *William Sinclair* of *Dumbeath*, *John Sinclair* of *Brims*, *Murry* of *Pennieland*, *David Murry* of *Clairden*, *Robert Monro* of *Borlome*, *Alexander Sinclair* of *Telſten*, *David Sinclair* of *Dune*, Mr. *James Innes* of *Sandſaid*, *James Sinclair* of *Aſſere*, *Frances Sinclair* of *Stirkaike*, *Walter Innes* of *Ortoun*.

Orkney and Zetland.

For the Sheriffdom of *Orkney* and *Zetland* and Burghs within the ſame, Earl of *Mortoun*, Colonel *John Stewart* of *Newwark*, *James Stewart* of *Gramſay*, *Hugh Halcu* of that ilk, *Robert Stewart* of *Burgh*, Mr. *Patrick Graham* *James Baikie* of *Tankerneſs*, *Patrick Monteith* of *Egilſhaw*, *Hugh Craigie* of *Gairſey*, *Patrick Blair* of *Little-Blair*, *Archibald Stewart* of *Burrough*, *George Smith* of *Rapneſs*, *John Sinclair* of *Quandail*, *James Sinclair* of *Skalloway*, *Andrew Bruce* of *Munis*, *William Bruce* of *Soundburgh*, Mr. *James Monat* *Gilbert Nivin*, *Chein* of *Eſlemont*, and *Robert Hunter* Factor for the Earl of *Mortoun*.

Forfar.

For the Sheriffdom of *Forfar* and Burghs within the ſame, (*Dundee* excepted) *James* Earl of *Buchan*, *Patrick* Earl of *Kinghorn*, *James* Earl of *Southesk*, Earl of *Airlie*, *John* Earl of *Dundee*, *Robert* Viſcount of *Arbuthnet*, *James* Lord *Ogilvie*, *George* Lord *Brichan*, *David* Lord *Lour*, *James* Lord *Cowper*, Sir *David Ogilvie* ſon to the Earl of *Airlie*, Sir *James Ogilvie* of *Newgrange*, *John Ogilvie* of *Balfour*, Sir *John Carnegie* of *Boyſack*, Sir *Alexander Erskin* of *Dun*, *John Lindſey* of *Edgle*, *John Wood* of *Bonnytoun*, *John Graham* younger of *Fentry*, *David Fothringham* of *Pourie*, *John Garden* of *Latoun*, *David Erskin* of *Carboddo*, *William Fullertoun* of that ilk, Mr. *Robert Hay* of *Dronlaw*, *John Ogilvie* of *Pettenves*, Sir *John Carnegie* of *Bonniemune*, *James Scot* of *Logie*, *Peter Young* of *Seatoun*, *Walter Graham* of *Duntroun*, *James Durham* younger of *Omachie*, *Patrick Lyon* of *Bridgtoun*.

William Lyon of *Eastergill*, *Henry Mauld* of *Melgum*, *William Gray* of *Innerichtie*, *John Fothringham* of *Durun*, *John Ogilvie* of *Peil*, *Patrick Wentoun* of *Strickmartine*, *James Crightoun* of *Ruthven*, *David Neavoy* of that ilk, *John Scrimger* of *Kirktoun*, *John Hunter* of *Balgay*, Sir *Alexander Wedderburn* of *Blackness*, Mr. *Patrick Yeaman* of *Dryburgh*, Mr. *James Kid* of *Craigie*, *Peter Lyon* of *Cossans*, *Peter Blair* of *Dunkeny*, *David Carnegie* of *Craig*, and *Robert Arbuthnet* of *Fyndourie*, two of the Magistrates of *Forfar*, *Breichen*, *Montrose* and *Aberbrothick*, for the time being.

For the Town of *Dundee*, comprehending as said is, the Magistrates and Council for the time being.

Berwick.

For the Sheriffdom of *Berwick* and Burghs within the same, Sir *Archibald Cockburn* of *Langtoun*, *James Hoppringle* of that ilk, *John Home* of *Blaccader*, Sir *James Home* of *Eccles*, Sir *Robert Dowglas* of *Blaikerstoun*, *John Home* of *Prandergaist*, *George Ramsay* of *Idingtoun*, Mr. *Robert Sinclair* of *Longformacus*, *George Home* of *Kumbes*, *Robert Home* of *Kimerghame*, *Archibald Dowglas* of *Lumsdaine*, *John Ker* of *Westnisbit*, *Patrick Boge* of *Burnhouses*, *Alexander Home* of *Linthill*, *Robert Home* of *Begend*, Mr. *John Home* of *Bellita*, Mr. *Thomas Ridpeth* of *Fulfardlies*, and the two Bailies of *Lawder* for the time being.

Nairn.

For the Sheriffdom of *Nairn* and Burghs within the same, Sir *Hugh Campbel* of *Caddel*, *John Grant* of *Moynes*, *John Hay* of *Lochlow*, *Hugh Ross* of *Kilravock*, *Thomas Dumbar* of *Grange*, *Alexander Campbel* of *Urchney*, *Alexander Dumbar* of *Booth*, *John Sutherland* of *Kinstarie*, *Hugh Hay* of *Birchmony*, *Colin Campbel* of *Delneyes*, *John Ross* of *Braidley*, *Hugh Ross* younger of *Clava*, two of the Magistrates of the Burgh of *Nairn* for the time being.

With power to the saids Commissioners or major part of them, to take trial of what Malt is brewed and sold within their respective divisions, and to order the collecting and raising of the Excise thereof, at two Merks upon the Boll; and to raise the remainder of the proportion imposed upon each respective Shire and burgh, which shall not arise by payment of the foresaid two merks upon the Boll of Malt, and of the rates imposed upon the other particulars above mentioned, *Brewed* and sold or imported as said is, from the respective Shires and Burghs in lieu of the Malt brewed in their own houses; and that according to the rule of the valuations as the same were apportionat *before August* last. As also, with power to the saids Commissioners to meet and conveen at such times and places as they shall think fit, and to choose their own Conveeners (who is to administer an Oath *De fideli Administratione* to the remanent Commissioners at their first meeting, and take the same himself) and to appoint their own Collectors, and other Officers, except the Clerk, who is to be named by the Clerk of Register, and to modifie necessar Fees for the saids Collectors, Clerks, and other Officers, and to sub-divide themselves for the more speedy and equal ordering of the said Excise. With power also to them to establish Offices of Excise (at which Offices, the whole Brewers are hereby required to make their Entries, at least once every moneth, of their weekly brewing, and by Miller, Maltman, Oath of party, Witnesses, or any other lawful manner of way to disprove the Entries given in, and to impose Fines upon the persons whose Entries shall be disproven, not exceeding the double of the value of the Malt conceal'd, and to decern and determine in all cases and debates, relating to the said Excise within their respective divisions; and for that effect to use all lawful maner of probation as said is: And ordains general Letters to be direct *gratis* upon the saids Commissioners, their Decreets, at the instance of the respective Collectors; or otherwayes with power to the saids Commissioners, to poynd and distrenizie upon their own Decreets, quarter upon the Deficients, or imprison their persons till payment be made of the sums due by them, as well principal as expences; and which expences the saids Commissioners are hereby impowred to modifie. And it is hereby Declared, That there shall be no necessity to apprize the Goods of the Deficients at the Mercat Cross, but that it shall be lawfull to apprize the same, at the nearest Paroch Church, And sicklike it is hereby Staute and Ordained, that the Commissioners of the respective Shires and Burghs shall be, and are obliged to pay in their respective proportions of the said Shires and Burghs to such as are, or shall be appointed by His *Majesty*, to

to receive the ſame at four terms in the year, *viz. Whitſunday*, *Lambmeſſe*, *Mertimeſſe*, and *Candlemeſſe*, by equal proportions, beginning the firſt terms payment at *Lambmeſſe* next, for the three moneths of *May*, *June*, and *July*, immediatly preceeding the ſame: And which Commiſſioners, are by theſe preſents impowered to put in execution the whole forementioned Orders and Inſtructions, for raiſing and inbringing of the ſaid Exciſe for their relief. As alſo the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, gives power to the Lords of His *Majeſties* Privy Council, to nominate and appoint Commiſſioners of Exciſe in the reſpective Shires and Burghs upon the death or inability of any of the Commiſſioners above-named.

XV.

Act Reſcinding and Annulling the pretended Parliaments, in the years, 1640, 1641, &c.

THe Eſtates of Parliament, conſidering that the Peace and happineſs of this Kingdom, and of His *Majeſties* good Subjects therein, doth depend upon the Safety of His *Majeſties* Perſon, and the Maintenance of His Royal Authority, Power and Greatneſs; And that all the miſeries, confuſions and diſorders which this Kingdom hath groaned under, theſe twenty years, have iſſued from, and been the neceſſary and natural products of theſe neglects, contempts and invaſions, which in and from the beginning of theſe troubles, were upon the ſpecious (but falſe) pretexts of *Reformation* (the common cloak of all Rebellions) offered unto the Sacred Perſon and Royal Authority of the Kings *Majeſty*, and His Royal Father of bleſſed memory. And notwithſtanding, that by the ſacred Right, inherent to the Imperial Crown (which His *Majeſty* holds immediatly from GOD Almighty alone) and by the ancient conſtitution and fundamental Laws of the Kingdom; the power of convocating and keeping Aſſemblies of the Subjects; the power of Calling, Holding, Proroguing and Diſſolving of Parliaments, and making of Laws, the power of entering into Bonds, Covenants, Leagues and Treaties; the power of raiſing Armes, keeping of Strengths and Forts, are Eſſential parts, and Inſeparable priviledges of the Royal Authority and Prerogative of the Kings of this Kingdom: Yet, ſuch hath been the madneſs and deluſion of theſe times, that even Religion it ſelf, which holds the Right of Kings to be Sacred and Inviolable, hath been pretended unto, for warrand of all theſe injurious Violations and Incroachments, ſo publickly done and owned, upon and againſt, His *Majeſties* juſt Power, Authority and Government; By making and keeping of unlawfull Meetings and Convocations of the people; By entering into Covenants, Treaties and Leagues; By ſeizing upon, and poſſeſſing themſelves of His *Majeſties* Caſtles, Forts and Strengths of the Kingdom; and by holding of pretended Parliaments, making of Laws, and raiſing of Armes for the maintaining of the ſame: And that not only without warrand, but contrary to His *Majeſties* expreſs Commands. And although the late Kings *Majeſty*, out of His meer grace and reſpects to this His native Kingdom, and the peace and quiet of His people, and for preventing the conſequences, which ſuch a bad example, and practice might occaſion, to the diſturbance of the Peace of His other Kingdoms, was pleaſed in the year, one thouſand ſix hundred and fourty one, to come into this Countrey, and by His own preſence, at their pretended Parliaments and otherwayes, to comply with, and give way to, many things neerly concerning the undoubted Intereſt and Prerogative of the Crown, expecting that ſuch unparlel'd Condiſcentions ſhould have made His Subjects aſhamed of their former miſcarriages, and the very thoughts thereof, to be hateſull to them and their poſterity for ever. Yet ſuch was the prevalency of the ſpirit of Rebellion that raged in many for the time, that not content of that peace and happineſs, which even above their deſires, was ſecured to them; nor of thoſe many Grants of honour and profit, by which, His *Majeſty* endeavoured to endear the moſt deſperate of them to their duty and obedience, they then, when His *Majeſty* had not left unto them any pretence or ſhadow of any new deſire to be propoſed, either concerning themſelves or the Kingdom, did moſt unworthily engage, to ſubvert His *Majeſties* Government, and the publick Peace of the Kingdom of *England*: For which purpoſe, having joyned in a League with ſome there, they, for the better proſecution of the ſame, did aſſume unto themſelves, the Royal Power, kept and held Parliaments at their pleaſure; by the pretended Authority of which, they laid new exactions upon the people (which in one moneth did far exceed what ever by the Kings Authority had been raiſed in a whole year) levied Armes, ſent out Edicts, requiring obedience unto their unlawfull demands; and with all manner of violence purſued ſuch as out of duty to His *Majeſties* Authority oppoſed them, by fines, confirmations, impriſonment, baniſhment, death, and

forfeiture of their poſterity; and with their Army thus raiſed, invaded His *Majeſties* Kingdom of *England*, and joyned with ſuch as were in Armes againſt His *Majeſty* there. And thus maintaining their uſurped power, and violently executing the ſame againſt all Law, Conſcience, Honour and Humanity, have made themſelves inſtruments of much loſs, ſhame and diſhonour to their native Countrey, and have juſtly forfeited any favour they might have pretended to, from His *Majeſties* former conceſſions. And forasmuch, as now it hath pleaſed Almighty GOD, by the power of His own right hand, ſo miraculouſly to reſtore the Kings *Majeſty* to the Government of His Kingdoms, and to the exerciſe of His Royal Power and Soveraignty over the ſame, The Eſtates of Parliament do conceive themſelves oblieged, in diſcharge of their duty and conſcience to GOD and the Kings *Majeſty*, to employ all their power and Intereſt for vindicating His *Majeſties* Authority from all theſe violent invaſions that have been made upon it, and ſo far as is poſſible, to remove out of the way, every thing that may retain any rememberance of theſe things, which have been ſo injurious to His *Majeſty* and His Authority, ſo prejudicial and diſhonourable to the Kingdom, and deſtructive to all juſt and true intereſts within the ſame. And conſidering, that beſides the unlawfulneſſe of the publick Actings during theſe troubles, moſt of the Acts in all and every of the Meetings of theſe pretended Parliaments, do highly incroach upon, and are deſtructive of, that Soveraign Power, Authority, Prerogative and Right of Government, which by the Law of GOD and the ancient Laws and Conſtitutions of this Kingdom, doth reſide in, and belong unto, the Kings *Majeſty*, and do reflect much upon the honour, loyalty and reputation of this Kingdom, or are expired, and ſerve only as teſtimonies of diſloyalty and reproach upon the Kingdom, and are unfit to be any longer upon Record. Therefore the Kings *Majeſty* and Eſtates of Parliament, do hereby Reſcind and Annull the pretended Parliaments, kept in the years one thouſand ſix hundred and fourty, one thouſand ſix hundred and fourty one, one thouſand ſix hundred and fourty four, one thouſand ſix hundred and fourty five, one thouſand ſix hundred and fourty ſix, one thouſand ſix hundred and fourty ſeven, and one thouſand ſix hundred and fourty eight, and all Acts and Deeds paſt and done in them, and Declares the ſame to be henceforth void and null. And His *Majeſty*, being unwilling to take any advantage of the failings of His Subjects during thoſe unhappy times, is reſolved not to retain any rememberance thereof, but that the ſame ſhall be held in everlaſting oblivion; and that all difference and animoſities being forgotten, His good Subjects may in a happy union, under His Royal Government, enjoy that happineſs and peace, which His *Maieſty* intends, and really wiſheth unto them as unto Himſelf, Doth therefore by advice and conſent of His Eſtates of Parliament, grant His full Aſſurance and Indempnity to all perſons that acted in, or by vertue of the ſaid pretended Parliaments and other Meetings flowing from the ſame, to be unqueſtioned in their Lives or Fortunes, for any Deed or Deeds done by them in their ſaid uſurpation, or by vertue of any pretended Authority derived therefrom, excepting alwayes, ſuch as ſhall be excepted in a general Act of Indempnity, to be paſt by His *Majeſty* in this Parliament. And it is hereby declared, That all Acts, Rights and Securities, paſt in any of the pretended Meetings above-written, or by vertue thereof, in favours of any particular perſons, for their civil and private intereſts, ſhall ſtand good and valid unto them, *untill* the ſame be taken into further conſideration, and be determined in this, or the next Seſſion of this Parliament.

XVI.

Act concerning Religion and Church Government.

OUr Soveraign Lord, being truly ſenſible of the mercies of Almighty GOD, towards Him in His preſervation, in times of greateſt trouble and danger, and in his miraculous Reſtitution to His juſt Right and Government of His Kingdoms. And being deſirous to improve theſe Mercies, to the glory of GOD and honour of His great Name, Doth with advice and conſent of His Eſtates of Parliament, Declare, That it is His full and firm reſolution, to maintain the true reformed Proteſtant Religion, in it's purity of Doctrine and Worſhip, as it was eſtabliſhed within this Kingdom, during the Reigns of His Royal Father and Grand-father of bleſſed memory. And that His

His *Majeſty* will be careful to promote the power of Godlineſſe, to encourage the exerciſes of Religion, both publick and private, and to ſuppreſſe all prophaneneſſe, and diſorderly walking. And for that end will give all due countenance and protection to the Miniſters of the Goſpel, they containing themſelves within the Bounds and Limits of their Miniſterial Calling, and behaving themſelves with that ſubmiſſion and obedience to His *Majeſties* Authority and Commands, that is ſuitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, His *Majeſty* will make it His care, to ſettle and ſecure the ſame, in ſuch a frame as ſhall be moſt agreeable to the word of GOD, moſt ſuitable to Monarchical Government, and moſt complying with the publick peace and quiet of the Kingdom. And in the mean time, His *Majeſty*, with advice and conſent foreſaid, Doth allow the preſent Adminiſtration by Seſſions, Presbytries and Synods, (they keeping within bounds and behaving themſelves as ſaid is) and that notwithſtanding of the preceeding Act, reſciſſory of all pretended Parliaments, ſince the year one thouſand ſix hundred and thirty eight.

XVII.

Act for a Solemn Anniverſary Thanksgiving for His Majeſties Reſtauration to the Royal Government of His Kingdoms.

THe Eſtates of Parliament of the Kingdom of *Scotland*, taking to their conſideration the ſad Condition, Slavery and Bondage, this ancient Kingdom hath groaned under, during theſe twenty three years Troubles: In which, under the ſpecious pretences of Reformation, a publick Rebellion hath been, by the Treachery of ſome, and miſ-perſwaſion of others, violently carried on againſt Sacred Authority, to the ruine and deſtruction, ſo far as was poſſible, of Religion, the Kings *Majeſty*, and His Royal Government, the Laws, Liberties and Property of the People, and all the publick and private Intereſts of the Kingdom; So that Religion it ſelf, which holds the right of Kings to be Sacred, hath been proſtitute for the warrand of all theſe treaſonable invaſions made upon the Royal Authority, and diſloyal limitations put upon the Alleagiance of the Subjects. And hath it not alſo been pretended unto, for the warrand of all thoſe vile and bloody Murthers, which in high contempt of Almighty GOD and of His *Majeſties* Authority and Laws, were under colour of Juſtice commited upon His *Majeſties* good Subjects, meerly for the diſcharge of their Duty to GOD, and Loyalty to the *King*? Hath not that Royal Government, under whoſe Protection this Nation hath, to the envy of the World, been ſo famous for many ages, been of late troden under foot, and new Governments and Governours eſtabliſhed and kept up without His *Majeſties* Authority, and againſt His expreſſe Commands? Hath not Law, which is the Birth-right and Inheritance of the Subjects, and the Security of their lives and fortunes, been laid in the duſt, and new and unjuſt Edicts and Orders paſt and publiſhed, for ſubjecting both life and fortune, and what elſe was dear unto any of His *Majeſties* good Subjects, to the Cruel and Ambitious Luſts of ſome uſurping Rulers? Hath not Religion and Loyalty been the only objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one moneth what ever had been formerly in many years paid to any of the Kings of this Kingdom? And when the beſt of men and the moſt Excellent of the Kings of the earth, had in an unuſual way of confidence rendred His Perſon to the Truſt and Loyalty of His Native Subjects, was not the ſecurity of Religion pretended unto by ſome, who then governed in Church and State for the ground of that baſe (and never enough to be abhorred) tranſaction, in leaving ſuch a Prince their Native and Dread Soveraign, to the will of theſe who were in open Rebellion, and for the time had their ſwords in their hands againſt Him; And that when by theſe and many ſuch like undutifull carriages, the Kings *Majeſty* was removed from His Kingdoms, the foundations of this ancient and well conſtitute Government was overturned, the Liberties and Property of the people inverted; And this Kingdom expoſed to be Captives and Slaves to Strangers, and nothing left unto them but the ſad meditation of their increaſing miſeries, and the bitter remembrance of their by-paſt diſloyalties? Yet even then it pleaſed Almighty GOD to compaſſionat their low condition, and by the power of His own right-hand, moſt miraculouſly to reſtore the Kings moſt Sacred *Majeſty* to the Royal Government of His Kingdoms; And thereby to Redeem this Kingdom from its former Slavery and Bondage, and to reſtore it to its ancient and juſt Priviledges and Freedom. And the Kings *Majeſty* acknowledging; with all humility and thankfulneſs, the Goodneſs, Wiſdom and power of GOD, in this Signal Act of *His* mercy to Him and His people, Doth, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, That in all time comming there be a Solemn yearly Commemoration of the ſame: And for that end, the twenty ninth of *May*, (which day GOD Almighty hath ſpecially honoured and rendred auſpicious to this Kingdom, both by His *Majeſties* Royal Birth, and by His bleſſed Reſtauration to His Government) be for ever ſet apart as a Holy day unto the LORD, and that in all the Churches of the Kingdom, it be imployed in publick Prayers,

Preaching;

Preaching, Thanksgiving and Praiſes to God for ſo tranſcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary imployments be forborn, and the remaining part of the day ſpent in ſuch lawfull divertiſements as are ſuteable to ſo Solemn an occaſion. And it is hereby recommended to all Miniſters of the Goſpel, and to all Sheriffs, Juſtices of Peace, and other publick Miniſters in the ſeveral Counties, and to all Magiſtrates within Burghs, to be careſull that for this preſant year, and in all time coming, the twenty ninth day of *May*, be accordingly kept and obſerved within their ſeveral Juriſdictions. And for the ſpeedier and more full intimation hereof to all His *Majeſties* Subjects, It is Appointed thir Preſents be printed, and publiſhed at all the Mercat Croſſes of the Royal Burroughs.

XVIII.

Act for the due Obſervation of the Sabbath-day.

THe Kings *Majeſty* conſidering, how much it concerns the honour of GOD, that the Sabbath-day be duly obſerved, and all abuſes thereof reſtrained: And that notwithſtanding of ſeveral Acts of Parliament made in that behalf, particularly the third Act of the ſixth Parliament of King *James* the ſixth of bleſſed memory, the ſaid day hath been much prophaned by Salmond-fiſhing, going of Salt-pans, Milnes and Killes, hiring of Shearers, and uſing of Merchandize on that day and otherwayes. Therefore our Soveraign Lord, with advice and conſent of His Eſtates of Parliament, Ratifies and Approves all former Acts of Parliament, made for obſervation of the Sabbath-day, and againſt the breakers thereof; And by theſe preſents Inhibits and Diſcharges all Salmond-fiſhing, going of Salt-pans, Milns or Killes; all hiring of Shearers, carrying of Loads, keeping of Mercats, or uſing any ſorts of Merchandize on the ſaid day, and all other prophanation thereof whatſoever, under the pains and penalties following; *viz.* The ſum of twenty pounds *Scots* for the going of ilk Salt-pan, Miln or Kill on the ſaid day, to be paid by the Heritors and poſſeſſors thereof; and the ſum of ten pounds for ilk Shearer and fiſher of Salmond on the ſaid day, the one half thereof to be paid by the Hirers and Conducers, and the other half by the perſons hired; and the ſaid ſum of ten pounds for every other prophanation of the ſaid Day: And which Fines and Penalties are to be upliſted and diſpoſed of, in manner contained in the Act and Inſtructions anent the Juſtices of Peace; and if the Party Offender be not able to pay the penalties foreſaid, then to be exemplarly puniſhed in his body, according to the merit of his fault.

XIX.

Act againſt Swearing and Exceſſive Drinking.

OUr Soveraign Lord, being deſirous that all His Subjects within this Kingdom, may live a quiet and peaceable life under His Government, in all godlineſs and honeſty; And in order thereto, having reſolved to curb and ſurpreſſe all ſort of ſin and wickedneſſe, and eſpecially theſe abominable and ſo much abounding ſins of Drunkenneſs and all manner of Curſing and Swearing. Therefore our ſaid Soveraign Lord Ratifies and Aproves all Acts of Parliament, made in former times againſt the ſaid crimes, or either of them. And further Declares, That each perſon, who ſhall Blaſpheme, Swear or Curſe; and whoſoever ſhall Drink into exceſs, ſhall be lyable in the pains following, according to the quality of the offenders; *viz.* Each Nobleman in twenty pounds *Scots*, each Barron in twenty Merks, each Gentleman, Heritor or Burgeſs in ten merks, each Yeoman in fourty ſhillings, each Servant in twenty ſhillings *toties quoties*, each Miniſter in the fifth part of his years Stipend: and that the ſaids Fines and Penalties be uplifted and diſpoſed upon, in manner contained in the Act and Inſtructions anent the Juſtices of Peace. And if the party Offender, be not able to pay the Penalties foreſaid, then to be examplarly puniſhed in his body, according to the merit of his fault.

XX.

Act againſt Curſing and Beating of Parents.

OUr Soveraign Lord, and Eſtates of Parliament, conſidering how great and atrocius a crime it is, for Children to beat, or curſe their Parents; And how the Law of GOD hath pronounced juſt ſentence of death againſt ſuch, as ſhall either of theſe wayes injure either of their Parents. Therefore, His *Majeſty*, with advice of His Eſtates, Doth hereby Statute and Ordain, That whoſoever, Son or Daughter, above the age of ſixteen years, not being diſtracted, ſhall Beat or Curſe either their Father or Mother, ſhall be put to death without mercy: and ſuch as are within the age of ſixteen years, and paſt the age of pupillarity, to be puniſhed at the arbitrement of the Judge, according to their deſervings, that others may hear and fear, and not do the like.

XXI

XXI.

Act againſt the Crime of Blaſphemy.

OUr Soveraign Lord, and the Eſtates of Parliament conſidering, that hitheto there hath been no Law in this Kingdom, againſt the horrible crime of Blaſphemy. Therefore, His *Majeſty*, with advice of His ſaid Eſtates, Doth hereby Statute and Ordain, That whoſoever hereafter, not being diſtracted in his wits, ſhall rail upon, or curſe GOD, or any of the Perſons of the bleſſed Trinity, ſhall be proceſſed before the chief Juſtice; and being found guilty, ſhall be puniſhed with Death. Likeas, His *Majeſty*, with advice foreſaid, Findes, Statutes and Ordains, That whoſoever hereafter ſhall deny GOD, or any of the perſons of the bleſſed Trinity, and obſtinately continue therein, ſhall be proceſſed, and being found guilty, that they be puniſhed with Death. As alſo, His *Majeſty*, with advice and conſent foreſaid, Declares, That all Perſons who have committed the foreſaid Crimes ſince the ſeventeenth of *February*, one thouſand ſix hundred and fourty nine, ſhall be proceeded againſt according to this Act; and Ratifies all by-gone Decreets and judicial Proceedings, againſt any Perſon committer of the ſaid Crimes ſince the foreſaid date, which have been pronounced and done againſt the ſaids Committers, according to this preſent Act. And Declares, That the pronouncers and executors of the ſaids Sentences ſhall never be queſtioned therefore, in any manner of way, but are, and ſhall be, hereby ſecured, no leſs then if this Act had been of the foreſaid date.

XXII.

Act concerning the ſeveral degrees of Cauſual Homicide.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament,, for removing of all queſtion and doubt that may ariſe hereafter in Criminal purſutes for Slaughter, Statutes and Ordains, That the caſes of Homicide after-following; *viz*, Caſual Homicide, Homicide in lawful defence, and Homicide committed upon Theeves and Robbers breaking houſes in the night; or in caſe of Homicide the time of maſterful Depredation, or in the purſute of denounced or declared Rebels for capital Crimes, or of ſuch who aſſiſt and defend the Rebels and maſterfull Depredators by Armes, and by force oppoſe the purſute and apprehending of them, which ſhall happen to fall out in time comming, nor, any of them, ſhall not be puniſhed by death: And that notwithſtanding of any Laws or Acts of Parliament, or any Practick made heretofore or obſerved in puniſhment of Slaughter; but that the Manſlayer, in any of the caſes aforeſaid, be aſſoilled from any Criminal purſute purſued againſt him for his life, for the ſaid Slaughter, before any Judge Criminal within this Kingdom. Providing alwayes, that in the caſe of Homicide caſual, and of Homicide in defence, notwithſtanding that the ſlayer is by this Act, free from Capital Puniſhment; Yet it ſhall be leifum to the Criminal Judge, with advice of the Council, to fine him in his means, to the uſe of the defuncts wife and bairns, or neareſt of kin, or to impriſon him. And His H*ajeſty*, with advice foreſaid, Declares, that all deciſions given conform to this Act, ſince the thirteenth of *February*, one thouſand ſix hundred and fourty nine years, ſhall be as ſufficient to ſecure all parties intereſſed, as if this preſent Act had been of that date: And that all caſes to be decided by any Judges of this Kingdom, in relation to caſual Homicide, or Homicide in defence, commited at any time heretofore, ſhall be decided as is above expreſſed.

XXIII.

Act Ratifying the Priviledges of the Colledge of Juſtice.

OUr Soveraign Lord conſidering, that nothing is more neceſſary and of more univerſal concernment, then the adminiſtration of Juſtice; and in order thereto, that the Judges, Advocats, Clerks and other Members of the Supream Judicatory, ſhould be faithful, able and qualified perſons; and for their encouragement to ſerve the Countrey in their reſpective ſtations and places, and to undergo the great toil, trouble and expence of time, and otherwayes for inabling them for, and during their ſervice therein, It hath been the wiſedom and practice of all Princes and Nations, and in ſpecial, of His *Majeſties* Royal Progenitors, to grant to them diverſe Liberties and Priviledges, as is evident by many Acts of Parliament and Statutes concerning the Priviledges and Immunities of the Colledge of Juſtice, and Members thereof, Granted, Renewed and Ratified from time to time. There-

fore His *Majesty*, with advice and consent of His Estates of Parliament, Ratifies and Approves all and whatsoever Liberties, Priviledges and Immunities, given and granted by His *Majesties* Royal Predecessors, to, and in favour of, the said Colledge of Justice, and of the Senators, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, or whereof they have been in use and possession in any time by-gone, together with all Laws, Acts of Parliament, Statutes and Constitutions, made and conceived in their favours; Holding and Declaring this present Ratification to be as sufficient as if all the foresaids Priviledges, Freedoms and Immunities, Acts, Statutes and Grants, of, and concerning the same, were in special and at length expreſt herein. And His *Majesty* with advice and consent foresaid, Ordains and Declares, That the whole Priviledges, Liberties and Immunities foresaid, granted and belonging to the ordinary Lords and Senators of the Colledge of Justice, shall be extended, belong and appertain to, and enjoyed by, the Advocats, Clerks, Writers to the Signet, and remanent Members of the said Colledge of Justice, in all time coming, notwithstanding of whatsoever Act, Custome or Practice to the contrare.

XXIV.

Act concerning Appearand Heirs, their payment of their Predecessors and their own Debts.

OUr Soveraign Lord, with advice and consent of the Estates of Parliament, taking into consideration, that Appearand Heirs immediately after their Predecessors death, do frequently dispone their Estate in whole or in part, in prejudice of their Predecessors lawful Creditors, before their death come to their knowledge, or before they can do lawful diligence against the saids Appearand Heirs; and which Dispositions the saids Appearand Heirs do often make before they be served Heirs and Infeft; or otherwayes, by colluſion they suffer their Predecessors Estates to be compriſed or adjudged from them for payment of their own proper Debts, real or simulate, without respect to their Predecessors Creditors. And His *Majesty*, considering how just it is, that every mans own Estate should be first liable to his own Debt, before the Debts contracted by the Appearand Heirs. Therefore, His *Majesty*, with consent foresaid, Declares, That the Creditors of the Defunct shall be preferred to the Creditors of the Appearand Heir in time coming, as to the Defuncts Estate; Providing alwayes, that the Defuncts Creditors do diligence against the Appearand Heir, and the real Estate belonging to the Defunct, within the space of three years after the Defuncts death. And because it were most unreasonable, that the Appearand Heir, when he is served and retoured Heir, and infeft *respective*, should for the full space of three years, be bound up from making Rights and Alienations of his Predecessors Estate; and yet it being as unreasonable that he should dispon thereupon immediatly or shortly after his Predecessors death, in prejudice of his Predecessors Creditors, he having year and day to advise whether he will enter Heir or not. Therefore it is hereby Declared, That no Right or Disposition made by the said Appearand Heir, in so far as may prejudge his Predecessors Creditors, shall be valid, unless it be made and granted a full year after the Defuncts death.

XXV.

Act for Denouncing of Excommunicate Persons.

OUr Soveraign Lord, with advice and consent of His Estates of Parliament, considering the insolency of Excommunicate Papists and others, who slight the dreadful Sentence of Excommunication, to the dishonour of GOD, and obduring of their own hearts; Doth therefore ratifie and Approve all Acts of Parliament and Acts of Privy Council, standing before the year one thousand six hundred and fourty, against Excommunicate Persons. And Statutes and Ordains, That in time coming, fourty dayes being past after the said Sentence of Excommunication, Letters be direct at the instance of His *Majesties* Advocate, for denouncing all Excommunicate Persons, His *Majesties* Rebels, and putting them to the Horn, and that by warrand of the Lords of Privy Council or Session: which denounciation being used, by vertue of the saids Letters, at the Mercat Cross of *Edinburgh*, and Peir of *Leith*, is hereby Declared, to be sufficient against them, and for using of Caption thereupon, and taking of the Escheat and Liferent of the Rebels conform to the standing Laws of this Kingdom. Providing alwayes, that before the passing of any such Letters of denounciation, the whole Process and Sentence of Excommunication be exhibite and produced before the Lords of Session, in Session-time, to the end, that they may consider the legality of the Process, and grounds whereupon the Sentence proceeded: and that accordingly they may give forth the saids Lerrers of denounciation, as they shall think just and reasonable.

XXVI.

XXVI.

Act appointing the Purſuer of the Thief, to have the Goods ſtolen from him, reſtored.

OUr Soveraign Lord underſtanding, that when Thieves are taken and execute for Theft, or declared Fugitives, their whole Eſtate and the goods ſtolen alſo, doth fall to His *Majeſty* and to Lords of Regalities, and other Juſtitiars pretending right to the ſaids ſtolen goods. For remeed whereof, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That any perſon having goods or gear ſtollen from him, and having purſued the ſtealer thereof, ſhall have his own goods again, where ever the ſame can be apprehended: and where the ſtolen goods cannot be had, the Purſuer of the Thief, ſhall have the juſt value of the goods and gear ſtolen from him, out of the readieſt of the Thiefs goods, with the expences waired out by the Purſuer, he alwayes purſuing the Thief, *uſque ad ſententiam*; Reſerving alwayes to the Sheriff or other Magiſtrates, and taker of the Thief, the expences waired out by them in taking and putting the Thief to execution.

XXVII.

Act for the Pardon of Penal Statutes.

OUr Soveraign Lord conſidering, that the preciſe and rigorous exaction of the Pain, Arbitrary and Pecunial, adjected to Penal Statutes heretofore made, would prove a burden to His *Majeſties* Leiges, heavy and unſupportable, if by His *Majeſties* grace and favour they ſhould not be eaſed and liberate of the ſame. In conſideration whereof, His *Majeſty*, being willing to give eaſe and relief to His Subjects of the foreſaid burden, Hath therefore been graciouſly pleaſed, with conſent of His Eſtates of Parliament, to Diſcharge, freely Pardon and Remit, and by theſe preſents Diſcharges, freely Pardons and Remits, all Contraveeners of any of the ſaids Penal Statutes, for all Deeds done by them, contrair to the tenor of the ſame Statutes, in time by-gone; except only the Statutes concerning the unlawful taking of Uſury, Tranſporting of Silver and Gold, and Slaying of Red and Black Fiſhes, which are no wayes diſcharged by this preſent Act, nor comprehended under the ſame.

XXVIII.

Act diſcharging the Quots of Teſtaments.

OUr Soveraign Lord, with advice and conſent of His Eſtates of Parliament, for many weighty conſiderations moving His *Majeſty*, Statutes and Ordains, That no Quots of Teſtaments, confirmed ſince the ſixteenth of *November*, one thouſand ſix hundred and fourty one, and to be confirmed in time coming, ſhall be exacted from any of His *Majeſties* Leiges by Commiſſars, Commiſſar-Clerks, Fiſcals, and others whom it effeirs; but prejudice alwayes of the ordinary Fies due to them as accords.

XXIX.

Act for Poynding upon Sheriffs and Commiſſars Decreets.

OUr Soveraign Lord and the Eſtates of Parliament, conſidering, That albeit by Act of Parliament, of the date the ninth of *July*, one thouſand ſix hundred and ſix years, Letters of Horning are Ordained to be directed by deliverance of the Lords of Seſſion upon Sheriffs, Commiſſars, and other inferiour Judicatories their Decreets, upon the ſimple Charge therein mentioned: Yet, the Act bears no warrand for Letters of Poynding to be granted by the deliverance foreſaid upon theſe Decreets; whereby the parties intereſſed, obtainers of the Decreets, are oftimes prejudged of their payment, when theſe parties, againſt whom theſe Decreets are obtained, do flit or remove out of the Shire or Juriſdiction of the Judge before whom the ſaids Decreets are given. Therefore His *Majeſty*, with advice of the ſaids Eſtates, ratifies the Act of Parliament above-mentioned, in the whole heads and points thereof: And for remedy of the prejudice foreſaid, Ordains Letters of Poynding to be direct by deliverance of the Lords of Seſſion, at the inſtance of the Parties intereſſed, upon the ſaids Sheriffs, Commiſſars, and other inferiour Judges their Decreets contained in the foreſaid Act. Sicklike, and

in the ſame manner, as Letters of Horning are appointed by the ſaid Act to paſs upon the ſame Decreets, that thereby the Parties may have real execution, as well as perſonal upon their Decreets foreſaids. Likeas, His *Majeſty*, with advice and conſent foreſaid, Declares, That all execution of Poynding, legally uſed upon the ſaids Decreets ſince the twelfth of *June*, one thouſand ſix hundred and fourty nine years, ſhall be valid and ſufficient; and the Parties, Meſſengers and others, Executors and uſers thereof, ſhall never be queſtioned, nor any Proceſs ſuſtained againſt them therefore, either Civilly or Criminally, before any Judge whatſomever; But prejudice alwayes to Parties againſt whom Poynding have been uſed, upon reduceable or unwarrantable Sentences, to purſue repetition as accords of the Law.

XXX.

Act anent the Fewers and Vaſſals of Kirk-lands.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, conſidering, That whereas by the general Surrender of Kirk-lands, and Erections made by the Superiors and Titulars thereof, in favours of His *Majeſties* deareſt Father of ever bleſſed memory; It is ſpecially provided, that the ſaid Superiors and Titulars, notwithſtanding their Surrender foreſaid, ſhall have right to the Few-ferms and Duties of the Vaſſals and Fewers of the ſaid Kirk-lands and Erections, till the Kings *Majeſty* make payment to them of the prices of the ſaids Few-ferms and Duties, modified by the Lords and others of the Commiſſion for Surrenders and Teinds. And ſicklike the Fewers and Vaſſals of the ſaids Kirk-lands and Erections, are oblieged by their new Infeftments under the great Seal, to pay the ſaids Few-ferms and Duties to the Kings *Majeſty* and His Succeſſors; and ſo againſt reaſon may appear to be lyable to double payment thereof: It is therefore Statute and Ordained by His *Majeſty*, with conſent foreſaid, That the ſaids Fewers and Vaſſals of Kirk-lands and Erections, their Heirs and Succeſſors, ſhall be oblieged to make thankful payment of the ſaids Few-ferms and Duties contained in their Infeftments; and whereof the ſaid Superiors and Titulars have been in poſſeſſion preceeding the Surrender foreſaid, to the ſaids Superiors and Titulars, their Heirs and Succeſſors, ay and while they get payment of the prizes modified by the ſaids Lords and others of the Commiſſion foreſaid, according to the Act of Parliament, one thouſand ſix hundred and thirty three years. And that Letters of Horning and Poynding ſhall be granted to that effect, without prejudice alwayes to His *Majeſty*, and His Succeſſors, of the Superiority of the ſaids Fewers and Vaſſals ſurrendred in manner foreſaid, and without prejudice to them of their Infeftments taken to be holden of His *Majeſty* and His Succeſſors. Likeas it is Declared, That the ſaid Fewers and Vaſſals of Kirk-lands and Erections have been, *in bona fide*, in payment of the ſaids Few-ferms and Duties to the ſaids Superiors and Titulars of all times by-gone, according to the proviſions contained in the ſaid general Surrender. It is alwayes provided, that this Act ſhall not be prejudicial to an Act paſt by this Parliament in favours of the Earl of *Lauderdail* of the Lordſhip of *Muſleburgh*, of the date the ninth day of *April* laſt.

XXXI.

Act concerning the Regiſtration of Compriſings.

OUr Soveraign Lord, with conſent of the Eſtates of Parliament, conſidering, that the Regiſtration of Compriſings, was only eſtabliſhed by an Act of Secret Council, and never authorized by any Law, or Act of Parliament, and that the Regiſtration thereof did put the Lieges to unneceſſar charges: neither adding to the validity of the Compriſings, nor to the benefit of the Compriſers: Hath therefore diſcharged, and by theſe preſents diſcharges all Regiſtration of Compriſings, with all Gifts, Acts of Council, and other warrands and Cuſtome whatſomever, granted and obſerved, at any time heretofore thereanent; and by thir preſents Ratifies and approves the Cuſtome obſerved theſe many years paſt; whereby, in place of the ſaid Regiſtration, a ſhort Record of all Compriſings of Lands, Teinds and others, and of the Compriſers names and deſignations, the Defenders names, the Debts for which the Compriſing is deduced, the Meſſengers and Clerks names, the date of the Executions, the Witneſſes names thereto, and of the Superiors of whom the Compriſed Lands are holden, hath been made in a Book by the Clerk of Regiſter and his Deputes, at the allowing of the ſaids Compriſings, (for which Allowance and Recording, there is only fourty ſhillings *Scots* to be paid) and which Cuſtome is very uſeful and neceſſar for information of the Lieges. And therefore His *Majeſty*, with advice and conſent foreſaid, Ratifies and approves the foreſaid Cuſtome, and Ordains all Compriſings formerly deduced and not allowed and recorded in manner above-written, to be brought

brought in to the Clerk of Regiſter and his Deputes, within threeſcore dayes after the publication hereof, and all Compriſings to be led and deduced hereafter, to be brought in to the ſaid Clerk of Regiſter and his Deputes, within threeſcore dayes after the date thereof. With certification, that if they be not allowed and recorded within the ſaid ſpace, any other Compriſing though poſterior in date, yet if it be allowed and recorded before the prior Compriſing, the ſame ſhall have preference according to the date of the Allowance and Record; but prejudice alwayes to any further diligence by Infeftments, or charges againſt the Superior, according to the priority or poſteriority thereof, *prout de jure.*

XXXII.

Act concerning Heritable and Moveable Bonds.

OUr Soveraign Lord, with advice and conſent of His Eſtates of Parliament, for many juſt and reaſonable cauſes moving Him, Statutes and Ordains, That all Contracts and Obligations for Sums of money payable to parties at any time, made and dated ſince the ſixteenth day of *November*, one thouſand ſix hundred and fourty one, or to be made in time coming, containing clauſes for payment of Annualrent and Profit, are, and ſhall be, holden and interpret to be Moveable Bonds, except in theſe caſes following; *viz.* That they bear an expreſs obliegement to infeft, or that they be conceived in favours of Heirs and Aſſignes, ſecluding Executors, in either of which caſes, Ordains the Sums to be Heritable, and to pertain to the Heir; otherwayes to be confirmed by the Executor, and to appertain to the neareſt of Kin, and to the Defuncts Executors and Legators, according to the Law and practick of Moveables, Declaring alwayes, that all ſuch Bonds, *quoad fiſcum*, ſhall remain in the ſame condition as they were before the ſaid ſixteenth of *November*, one thouſand ſix hundred and fourty one, not to fall under the compaſs of ſingle Eſcheat, nor ſhall any part thereof pertain to the Relict, *jure relictæ*, where the Bonds are made to the Husband, nor to the Husband, *jure mariti*, where the Bonds are made to the Wife, unleſs the Relict, or Husband, have otherwayes right and intereſt thereto, Declaring nevertheleſs, that this proviſion ſhall no way prejudge Wife, nor Husband, and their Executors of their reſpective Titles and intereſts to the by-gone Annualrents of the ſaids Bonds, reſting before either of their deaths.

XXXIII.

Act for the right Packing of Salmond.

OUr Soveraign Lord and Eſtates of Parliament, underſtanding, that the Salmond-fiſhings are one of the principal benefits, whereby Trade is maintained, and Money brought into the Kingdom; And that through the evil ordering thereof, both in the inſufficiency of the Barrels, and alſo in the diſloyal packing of the ſame; not only is the Merchants eſtate damnified thereby, but alſo the Nation is diſhonoured abroad, and diſappointed of what ſhould return thereby. Therefore, Our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates, Ratifies and Approves all and ſundry Acts of Parliament, Laws and Conſtitutions of this Realm, made anent Salmond-fiſhing, and the ſufficiency of the Barrels, and loyal packing thereof, with this addition, That the whole Coupers within this Kingdom, make the ſaid Salmond Barrels of good and ſufficient new Knappel, for which they ſhall be anſwerable, without wormholes, and white-wood, and of ſufficient tightneſs, for containing the pickle, and ſufficient tightneſſe for enduring all kind of ſtreſs in the handling; and that the Barrels contain no leſs then ten Gallons of the *Stirling* pint, (conform to an Act of His *Majeſties* Council, of the date at *Halyrood-houſe* the fifteenth day of *July*, on thouſand ſix hundred and ninteen years, which His *Majeſty* with conſent foreſaid, Ratifies and Approves, in all the Heads, Clauſes and Articles thereof) under the pain of five pounds, to be paid by the Couper, for each inſufficient Barrel, and eſcheat of the ſaid Barrel, and that the ſame be well pinned in the pickle before the packing; and thereafter the ſaid Barrels to be well tighted and double girthed before the tranſporting thereof to Forraign Nations. And that no Barrel be ſooner made and blown, but the Coupers Birn be ſet thereon, on the tapone-ſtaff thereof, in teſtimony of the ſufficiency of the Tree; and that every Couper be anſwerable and liable in payment of ſuch loſs as happen to be laid on the Fiſh at the Mercat, if it be found to be in the default of the Couper by the inſufficiency of the Tree, or packing, or any other means in the Coupers default, and that they keep right gage, both in the length of the ſtaves, the bilg-girth, the wideneſs of the head, & deepneſs of the chine; the Barrel being made, marked,

and thrice gene in the packing, ſhall be marked with the Marking-iron, under a very particular Merchant mark, as uſe is. And that no Burgh, or any other trading with Salmond, ſhall preſume to counterfeit the Mark or Birn of another Trade, under the pain of confiſcation of the Salmond, by and attour the puniſhment of the parties counterfeiters, at the pleaſure of the Judge ordinar; the one half of the ſaid pain to pertain to His *Majeſty*, and the other half to the Burgh ſo wronged, and ordains the Magiſtrates within the Burgh to put this Act to execution.

XXXIV.

Act againſt Clandeſtine and unlawful Marriages.

OUr Soveraign Lord, and the Eſtates of this preſent Parliament, conſidering how neceſſary it is, that no Marriage be celebrate, but according to the laudable order and conſtitution of this Kirk; and by ſuch perſons, as are by the Authority of this Kirk warranted to celebrate the ſame. And that notwithſtanding hereof, ſundry, either out of diſaffection to the Religion preſently profeſſed in this Kingdom, or being deſirous to eſchew the Cenſures of this Kirk, or to ſatisfie their promiſe of Marriage formerly made to others, or to decline the concurrence and conſent of their Parents or others having intereſt, or out of ſome other unlawful pretext, do procure themſelves to be Married, and are Married either in a Clandeſtine way, contrary to the eſtabliſhed order of the Kirk, or by Jeſuits, Prieſts, Deposed or Suſpended Miniſters, or any other not authorized by this Kirk. Therefore His *Majeſty*, with advice of His ſaids Eſtates, Statutes and Ordains, that whatſoever perſon or perſons, ſhall hereafter Marry or procure themſelves to be Married in a Clandeſtine and inorderly way, or by Jeſuits, Prieſts, or any other not authorized by this Kirk; that they ſhall be impriſoned for three moneths, and beſide their ſaid impriſonment ſhall pay, Each Nobleman, one thouſand pounds *Scots*; each Barron and landed Gentleman, one thouſand merks; each Gentleman and Burgeſs, five hundred pounds; each other perſon, one hundred merks; and that they ſhall remain in Priſon, ay and while they make payment of theſe *reſpective* penalties above-mentioned, which are hereby ordained, to be applyed to Pious uſes, within the ſeveral Paroches where the ſaids perſons dwels. And that the Celebrator of ſuch Marriages be baniſhed the kingdom, never to return therein, under the pain of Death. Likeas His *Majeſty*, with advice foreſaid, Prohibites and Diſcharges all men and women, having both their ordinar reſidence within this Kingdom, to get Marriage to themſelves with others within the Kingdom of *England*, or *Ireland*, without Proclamation of Banns here in *Scotland*, and againſt the Order and Conſtitution of this Church, or Kingdom, under the pains following, *viz.* For each Nobleman ſo Married, one thouſand pounds; for each landed Gentleman, one thouſand merks; for each Burgeſs, five hundred pounds; and for each other Subſtantious perſon, five hundred merks; for an Yeoman, one hundred pounds; for each perſon of inferior quality, one hundred merks; the one half of the which penalties, ſhall belong to the Kings *Majeſty*, the other to the Paroch, or Paroches where the Married Parties did reſide; and Ordains His *Majeſties* Advocat, and the Procurator for the Kirk, to purſue before the civil Judge, the Parties Contraveeners of this Act, or either part thereof, for payment of the penalties *reſpective* above-mentioned; and in caſe of the poor condition of any man, Married in manner foreſaid, Ordains him to be puniſhed with Stocks and Irons: which pains corporal and pecunial, ſhall no wayes be prejudicial to, or derogat from, the Order and Cenſures of the Kirks, to be inflicted againſt the Delinquents.

XXXV.

Act concerning the Election and Charges of the Commiſſioners from Shires to the Parliament.

THe Kings *Majeſty* conſidering, That divers debates have formerly occurred, concerning the perſons who ought and ſhould have vote in the Election of Commiſſioners from the ſeveral Shires of this Kingdom to Parliament, and who are capable to be Commiſſioners to Parliaments, and that it is neceſſar for the good of His ſervice, that the ſame be cleared for the future, Doth therefore, with advice and conſent of His Eſtates of Parliament Statute, Enact and Declare, That beſide all Heritors who hold a fourty ſhillings Land of the Kings *Majeſty in capite*; that alſo all Heritors, Liferenters and Wodſetters holding of the King, and others who held their Lands formerly of the Biſhops or Abbots, and now hold of the King, and whoſe yearly Rent doth amount to ten Chalders of victual

victual or one thouſand pounds (all Few Duties being deducted) ſhall be, and are capable to vote in the Election of Commiſſioners of Parliaments, and to be elected Commiſſioners to Parliaments; excepting alwayes from this Act all Noblemen and their Vaſſals. And it being juſt, that thoſe who ſhall be choſen and accordingly ſhall attend His *Majeſties* and the Kingdoms ſervice in Parliaments, have allowance for their charges; His *Majeſty* doth therefore, with advice foreſaid, Modifie and Appoint five pounds *Scots* of daily allowance to every Commiſſioner from any Shire, including the firſt and laſt dayes of the Parliament, together with eight dayes for their comming, and as much for their return, from the furtheſt Shires of *Caithneß* and *Sutherland*; and proportionably at nearer diſtances; and that the whole Free-holders, Heritors and Liferenters, holding of the King and Prince, ſhall according to the proportion of their Lands and Rents, lying within the Shire, be lyable and oblieged in the payment of the ſaid allowance, excepting Noblemen and their Vaſſals. For payment of which, all execution of Horning, Poynding and Quartering is to paſſe, as for raiſing of the Exciſe, and that according as the time and dayes of the Parliament ſhall be atteſted under the Clerk of Regiſters hand. And becauſe at this time, ſome Commiſſioners of Shires have been put to extraordinary expences in providing of Footmantles for the riding of the Parliament; It is hereby Statute, That the Commiſſioners ſhall be relieved of the prices thereof, to be given in under their hands; and that the prices of the Footmantles be raiſed in the ſame way and by the ſame execution, with the daily allowance aforeſaid; the Commiſſioners alwayes, at the riſing of each Parliament, making the Footmantles forthcoming to the Shire, to be diſpoſed as they ſhall think fit.

XXXVI.

Act anent Preſentation of Miniſters.

FOraſmuch as the Kings moſt Excellent *Majeſty*, conſidering how neceſſar it is for the right and orderly adminiſtration of GOD's Worſhip, and the exerciſes of Religion, and for keeping of His good Subjects within their duties they owe to GOD, to His *Majeſty*, to their Native Countrey, and fellow Subjects, eſpecially at this time after ſo many confuſions and diſtractions, both among Church-men and others; That more then ordinary care be had in preſenting of Miniſters to all ſuch Kirks as are, or ſhall be vacand within this Kingdom; hath given particular Commiſſion under His great Seal, as to all Preſentations to all Perſonages, Vicarages, and other Benefices and Kirks at His *Majeſties* preſentation. And as to all other Benefices and Kirks, whereof the preſentation belongs to any other Patron or Patrons whatſoever, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, That all Patrons or Perſons whatſoever, who hath, or pretends any right to the Preſentations to any Patronages, Vicarages, or other Benefices of Cure, Kirks or modified Stipends; be careful in all time coming, that Preſentations to theſe Benefices, Kirks or Stipends, be granted by them to ſuch perſons only, as ſhall give ſufficient evidence of their Piety, Loyalty, Literature and peaceable Diſpoſition; And ſhall, in preſence of the Patron or his Atturney, and of the Sheriff of the Shire, Stewart of the Stewartry, or heretable Baily or Commiſſar of the bounds, if it be in the Countrey, and of the Magiſtrates of the Burroughs within the Burgh, before the granting and their accepting the Preſentation, take and ſubſcribe the Oath of Alleagiance, the ſaid Sheriff, Stewart, Baily, Commiſſar and Magiſtrates having firſt taken the Oath themſelves. And it is hereby Declared, That if any perſon who hath not ſo taken the Oath of Alleagiance, ſhall be preſented by any Patron, not only ſhall the Preſentation be void and null of it ſelf, but the right of the Patronage, as to that vacancy, ſhall belong to the Kings *Majeſty*, and the Patrons be repute diſaffected to His *Majeſties* Government, and contemners of His Royal Authority. And Ordains thir preſents to be printed and publiſhed at the Mercat Croſſes; that none pretend ignorance.

XXXVII.

Act concerning the Bullion.

OUr Soveraign Lord, with advice of the Eſtates of Parliament, now preſently convecned by His *Majeſties* ſpecial Authority, conſidering how much the penury and ſcarcety of His *Majeſties* Coyn here in *Scotland*, is occaſioned by the meanneſſe and ſmalneſie of the proportion of Bullion at firſt impoſed, never heretofore conſiderably augmented; notwithſtanding His *Majeſties* Cuſtomes have been ſeveral times augmented, Enacts Statutes and Ordains, That all Commodities lyable in paiment of Bullion, ſhall pay according to the Rates menrioned in the Alphabet of Bullion after-following, as the ſame is now augmented and condeſcended upon. Which Alphabet of Bullion, His *Majeſty* with advice foreſaid, Ordains to be printed and publiſhed. And to prevent all abuſe and prejudice to the ſaid Mint, that may occur and fall out by the Cuſtomers exacting of His *Majeſties*, and His predeceſſors, their own Coyn from the Merchants exporters of the Commodities lyable in paiment of the quantities of Bullion, as is aforeſaid, or elſe exacting ſo much *per* ounce of the ſaid Merchant exporter, to the great prejudice and utter deſtruction of the ſaid Mint, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that every Fermerer, or Cuſtomer, within this His *Majeſties* Kingdom, ſhall by the advice and concurrence of the ſeveral Clerks of Cocquet, cauſe all and every Merchant, (whether Native or Forraigner) exporter of the Commodities lyable in paiment of the quantities of *B*ullion, ſet down in the aforeſaid Alphabet of Bullion condeſcended upon, and agreed to, as the ſame is now augmented and Ordained to be printed and publiſhed, find ſicker Surety and Caution, or give Pledges that he may anſwer for, that Bullion equivalent in proportion to the quantity of the goods exported, be delivered to the Officers of His *Majeſties* Mint, (and that of Forraign Bullion) either Plate or burnt Silver, twelve Denier fine, and being baſer, to be conſidered by weight and reckoning, and the ſaid Surety, or Pledges, to be taken before the ſaid Merchant receive his Cocquet, Tranſire or other Warrand whatſoever, for exporting the ſaids goods lyable in paiment of the quantities of Bullion, as it is aforeſaid; and Prohibites and Diſcharges all and every of the ſaids Cuſtomers, and Clerks of Cocquet within this *K*ingdom, to exact or receive any of His *Majeſties*, or His Predeceſſors, Coyns or any other ſatisfaction whatſoever; except the ſaid Forraign Bullion at the fineneſs aforeſaid, and that not only under the pain of deprivation of their Offices, but alſo of puniſhing their perſons, and fining of them in their goods, by the appointment and at the diſcretion of the Lords of His *Majeſties* Secret Council; and to the effect any ſuch colluſion or tranſaction may be diſcovered, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that each perſon delating or diſcovering any ſuch colluſion, or tranſaction, as is aforeſaid, ſhall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certi fication foreſaid. As alſo, it is Statute and Ordained, That the ſaids Cuſtomers, their Accounts be controlled upon the quantity of Bullion delivered to the ſaids Officers of His *Majeſties* Mint, according to their Letters of receit thereof; and what reſts not delivered, that the Cuſtomers be anſwerable therefore; and that the ſaids Cuſtomers, grant a convenient time for home-bringing of the ſaid Bullion, correſpondent to the diſtance of the port, at which the goods exported are to be delivered; the longeſt time not exceeding ſeven moneths. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the ſame is now eſtabliſhed and appointed to be printed and publiſhed, be of full force from the date of thir preſents. And that all Commodities exported after the ſaid day, be lyable to the ſeveral proportions of Bullion therein contained; notwithſtanding of any Act or Acts, made or to be made, in this preſent Parliament, in favours of any Manufacturies, Companies of Fiſhing or Trade, or other Acts whatſoever; which are hereby Declared, not to impede the payment of Bullion, augmented in manner foreſaid.

Follows the A, B, C. *of Bullion, as it is now eſtabliſhed by our Soveraign Lord and Eſtates of Parliament.*

A	*Bullion. Silver, twelve Denier fine.*
Aſhes, Pot-aſhess, Wood, or Soap-aſhes, the laſt	four ounces.
Aquavitæ, the barrel containing ten gallons	two ounces.
Alum, ilk two hundred weight	two ounces.
Anniz-ſeeds, ilk hundred weight	two ounces.
Apples, ilk two bolls, or ilk four barrels	two ounces.

	Bullion. Silver, twelve Denier fine.
B	
Barrel-ſtaves the thouſand	two ounces.
Bear, every four bolls half boll	two ounces.
Beef, ilk three barrels	two ounces.
Beans, every four bolls half boll	two ounces.
Bear, called drinking bear, the tunne	four ounces.
Bell-mettal, the hundred weight	two ounces.
Bullets, four thouſand	two ounces.
Bird-lime, ilk thre hundred weight	two ounces.
Braſs, ilk two hundred weight, or barrel	two ounces.
Bridles, the groce, or twelve dozen	two ounces.
Brazile, ilk two hundred weight	two ounces.
Butter { good, ilk two barrels	two ounces
Butter { corrupt, or *Orkney* Butter, ilk three barrels	two ounces.
Bridle-bits, the groce, or twelve dozen	two ounces.
Baikes, ilk five hundred weight	two ounces.
Boots, ilk thirty pair	two ounces.
Buckram, ilk hundred ells	two ounces.
Bark, ilk eight bolls	two ounces.
C	
Cables, ilk five hundred weight	two ounces.
Cable-yarn, ilk thouſand weight	two ounces.
Cards called { New Woolen Cards, ſix dozen	two ounces.
Cards called { Old Woolen Cards, ilk twelve dozen	two ounces.
Cards called { Stock Cards, every four dozen	two ounces.
Cards called playing Cards, every three groce, or thirty ſix dozen	two ounces.
Cheeſe, ilk five hundred weight	two ounces.
Coals, every four chalders	two ounces.
Cordages, tarred or untarred, ilk five hundred weight	two ounces.
Corballs of Oak, ilk twenty pieces	two ounces.
Copper, ilk thouſand weight	four ounces.
Cloath of all ſorts, Linnen and Woolen, ilk hundred ells	two ounces.
Copperas, ilk hundred weight	two ounces.
Cuſhons, called ſewed Cuſhons of all ſorts, ilk twelve dozen	two ounces.
Cambrick, ilk hundred ells	four ounces.
D	
Deals of all ſorts, the hundred	two ounces.
Dornick, ilk hundred ells	two ounces.
E	
Eggs, ilk three Barrels	two ounces.
F	
Flocks, the thouſand weight	two ounces.
Fuſtians, ilk three pieces	two ounces.
Feathers for Beds, ilk three hundred weight	two ounces.
Flower, ilk four Bolls	two ounces.
G	
Glew, ilk five hundred weight	two ounces.
Gloves, ilk ſix groce	two ounces.
Grograins of *Scots* making, ilk four pieces.	two ounces.
Galls, ilk hundred weight	two ounces.
Girdles, ilk hundred	three ounces.
Ginger, ilk hundred weight	two ounces.
Glaſſes, called drinking Glaſſes, and Glaſs Bottels, ilk twelve dozen	one ounce
Glaſs, called Window Glaſs, ilk three Cheſts	two ounces.

XXXVII.

Act concerning the Bullion.

OUr Soveraign Lord, with advice of the Eſtates of Parliament, now preſently convcened by His *Majeſties* ſpecial Authority, conſidering how much the penury and ſcarcety of His *Majeſties* Coyn here in *Scotland*, is occaſioned by the meanneſſe and ſmalneſſe of the proportion of Bullion at firſt impoſed, never heretofore conſiderably augmented; notwithſtanding His *Majeſties* Cuſtomes have been ſeveral times augmented, Enacts Statutes and Ordains, That all Commodities lyable in paiment of Bullion, ſhall pay according to the Rates menrioned in the Alphabet of Bullion after-following, as the ſame is now augmented and condeſcended upon. Which Alphabet of Bullion, His *Majeſty* with advice foreſaid, Ordains to be printed and publiſhed. And to prevent all abuſe and prejudice to the ſaid Mint, that may occur and fall out by the Cuſtomers exacting of His *Majeſties*, and His predeceſſors, their own Coyn from the Merchants exporters of the Commodities lyable in paiment of the quantities of Bullion, as is aforeſaid, or elſe exacting ſo much *per* ounce of the ſaid Merchant exporter, to the great prejudice and utter deſtruction of the ſaid Mint, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that every Fermerer, or Cuſtomer, within this His *Majeſties* Kingdom, ſhall by the advice and concurrence of the ſeveral Clerks of Cocquet, cauſe all and every Merchant, (whether Native or Forraigner) exporter of the Commodities lyable in paiment of the quantities of *B*ullion, ſet down in the aforeſaid Alphabet of Bullion condeſcended upon, and agreed to, as the ſame is now augmented and Ordained to be printed and publiſhed, find ſicker Surety and Caution, or give Pledges that he may anſwer for, that Bullion equivalent in proportion to the quantity of the goods exported, be delivered to the Officers of His *Majeſties* Mint, (and that of Forraign Bullion) either Plate or burnt Silver, twelve Denier fine, and being baſer, to be conſidered by weight and reckoning, and the ſaid Surety, or Pledges, to be taken before the ſaid Merchant receive his Cocquet, Tranſire or other Warrand whatſoever, for exporting the ſaids goods lyable in paiment of the quantities of Bullion, as it is aforeſaid; and Prohibites and Diſcharges all and every of the ſaids Cuſtomers, and Clerks of Cocquet within this *K*ingdom, to exact or receceive any of His *Majeſties*, or His Predeceſſors, Coyns or any other ſatisfaction whatſoever; except the ſaid Forraign Bullion at the fineneſs aforeſaid, and that not only under the pain of deprivation of their Offices, but alſo of puniſhing their perſons, and fining of them in their goods, by the appointment and at the diſcretion of the Lords of His *Majeſties* Secret Council; and to the effect any ſuch colluſion or tranſaction may be diſcovered, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that each perſon delating or diſcovering any ſuch colluſion, or tranſaction, as is aforeſaid, ſhall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certi fication foreſaid. As alſo, it is Statute and Ordained, That the ſaids Cuſtomers, their Accounts be controlled upon the quantity of Bullion delivered to the ſaids Officers of His *Majeſties* Mint, according to their Letters of receit thereof; and what reſts not delivered, that the Cuſtomers be anſwerable therefore; and that the ſaids Cuſtomers, grant a convenient time for home-bringing of the ſaid Bullion, correſpondent to the diſtance of the port, at which the goods exported are to be delivered; the longeſt time not exceeding ſeven moneths. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the ſame is now eſtabliſhed and appointed to be printed and publiſhed, be of full force from the date of thir preſents. And that all Commodities exported after the ſaid day, be lyable to the ſeveral proportions of Bullion therein contained; notwithſtanding of any Act or Acts, made or to be made, in this preſent Parliament, in favours of any Manufacturies, Companies of Fiſhing or Trade, or other Acts whatſoever; which are hereby Declared, not to impede the payment of Bullion, augmented in manner foreſaid.

Follows the A, B, C. *of Bullion, as it is now eſtabliſhed by our Soveraign Lord and Eſtates of Parliament.*

A	*Bullion. Silver, twelve Denier fine.*
ASHes, Pot-aſhess, Wood, or Soap-aſhes, the laſt	four ounces.
Aquavitæ, the barrel containing ten gallons	two ounces.
Alum, ilk two hundred weight	two ounces.
Anniz-ſeeds, ilk hundred weight	two ounces.
Apples, ilk two bolls, or ilk four barrels	two ounces.

B

Bullion.
Silver, twelve Denier fine.

B

Barrel-ſtaves the thouſand — two ounces.
Bear, every four bolls half boll — two ounces.
Beef, ilk three barrels — two ounces.
Beans, every four bolls half boll — two ounces.
Bear, called drinking bear, the tunne — four ounces.
Bell-mettal, the hundred weight — two ounces.
Bullets, four thouſand — two ounces.
Bird-lime, ilk thre hundred weight — two ounces.
Braſs, ilk two hundred weight, or barrel — two ounces.
Bridles, the groce, or twelve dozen — two ounces.
Brazile, ilk two hundred weight — two ounces.
Butter { good, ilk two barrels — two ounces
corrupt, or *Orkney* Butter, ilk three barrels — two ounces.
Bridle-bits, the groce, or twelve dozen — two ounces.
Baikes, ilk five hundred weight - - - - - - - - - - two ounces.
Boots, ilk thirty pair - - - - - - - - - - two ounces.
Buckram, ilk hundred ells - - - - - - - - - two ounces.
Bark, ilk eight bolls - - - - - - - - - - two ounces.

C

Cables, ilk five hundred weight - - - - - - two ounces.
Cable-yarn, ilk thouſand weight - - - - - - two ounces.
Cards called { New Woolen Cards, ſix dozen - - - - - - two ounces.
Old Woolen Cards, ilk twelve dozen - - - - - two ounces.
Stock Cards, every four dozen - - - - - - two ounces.
Cards called playing Cards, every three groce, or thirty ſix dozen - - - two onnces.
Cheeſe, ilk five hundred weight - - - - - - two ounces.
Coals, every four chalders - - - - - - - two ounces.
Cordages, tarred or untarred, ilk five hundred weight - - - - two ounces.
Corballs of Oak, ilk twenty pieces - - - - - - two ounces.
Copper, ilk thouſand weight - - - - - - four ounces.
Cloath of all ſorts, Linnen and Woolen, ilk hundred ells - - - two ounces.
Copperas, ilk hundred weight - - - - - - - two ounces.
Cuſhons, called ſewed Cuſhons of all ſorts, ilk twelve dozen - - - two ounces.
Cambrick, ilk hundred ells - - - - : : : : four ounces.

D

Deals of all ſorts, the hundred .. .. two ounces.
Dornick, ilk hundred ells .. .. two ounces.

E

Eggs, ilk three Barrels .. .. two ounces.

F

Flocks, the thouſand weight .. .. two ounces.
Fuſtians, ilk three pieces .. .. two ounces.
Feathers for Beds, ilk three hundred weight .. .. two ounces.
Flower, ilk four Bolls .. .. two ounces.

G

Glew, ilk five hundred weight .. .. two ounces.
Gloves, ilk ſix groce .. .. two ounces.
Grograins of *Scots* making, ilk four pieces. .. .. two ounces.
Galls, ilk hundred weight .. .. two ounces.
Girdles, ilk hundred .. .. three ounces.
Ginger, ilk hundred weight .. .. two ounces.
Glaſſes, called drinking Glaſſes, and Glaſs Bottels, ilk twelve dozen .. .. one ounce.
Glaſs, called Window Glaſs, ilk three Cheſts .. .. two ounces.

	Bullion. *Silver, twelve Denier fine.*
H	
Hemp-seed, ilk six barrels	two ounces.
Hemp, of all sorts, ilk eight hundred weight	two ounces.
Herrings, White Herrings, ilk six barrels	two ounces.
Herrings, Red Herrings, ilk five thousand	two ounces.
Halberts ungilt, ilk three dozen	two ounces.
Hides of all sorts, ilk three dacker	two ounces.
Hose, Hose, Bonnets and Socks, of Wool, made in *Leith-wynde*, *Dundee* and other places in this Kingdom, ilk five hundred pair	two ounces.
Honey, ilk three barrels	two ounces.
Hornes, Buck-hornes, ilk five hundred	two ounces.
Hornes, Hart-hornes, ilk three hundred	two ounces.
Hornes, Oxen-hornes, ilk two thousand	two ounces.
Hornes, Ram, or Sheep-hornes, ilk five thousand	two ounces.
Horses or Mears, ilk two thereof	two ounces.
Horses tails, ilk three hundred	two ounces.
Hooks, ilk two groce	two ounces.
Hops, ilk hundred weight	one ounce.
Half-long Skines, ilk ten dacker	two ounces.
Hard Wair, ilk hundred weight	one ounce.
Horse-shoon, ilk hundred gang	two ounces.
I	
Jeists, of Oak, ilk twenty pieces	two ounces.
Jeists, of Fir, fourty pieces	two ounces.
Jedburgh Staves, ilk hundred	two ounces.
Iron, ilk fifty stone weight	two ounces.
Iron, ilk three Ship-pound	two ounces.
Iron, ilk last	eight ounces.
Iron Pots, ilk three dozen	two ounces.
Iron-Ordnance, ilk four hundred weight	two ounces.
Indigo, ilk hundred weight	three ounces.
K	
Kettles, ilk hundred weight	two ounces.
Killing, ilk hundred and one half	two ounces.
Killing, ilk six barrels	two ounces.
Knappel of all sorts, ilk five hundred	two ounces.
Kine, ilk four of them	two ounces.
Knives, ilk twenty dozen	one ounce.
Kombes of all sorts, ilk hundred dozen	two ounces.
L	
Lambs, ilk thirty	two ounces.
Lead, ilk two thousand weight or fodder	two ounces.
Lead-ore, ilk six barrels.	two ounces.
Leather called Wilde Leather, ilk three dacker	two ounces.
Leather called White Leather, ilk four hundred skins	two ounces.
Leather called Leather Points, ilk ten groce	two ounces.
Linning Cloath of all sorts, ilk hundred ells	two ounces.
Lint-seed, ilk three barrels	two ounces.
Lint of all sorts, ilk eight hundred weight	two ounces.
Ling, ilk hundred and three score	two ounces.
Ling, ilk six barrels	two ounces.
Liquorise, ilk hundred weight	one ounce.
Lobsters, ilk two hundred	one ounce.
Lint-wheels, ilk twelve dozen	two ounces.
Leamons, ilk barrel of the measure of ten gallons	one ounce.

Madder,

Bullion.
Silver, twelve Denier fine.

M

Madder, { cropt-madder, and all other bal-madder, ilk two hundred weight / fat madder, ilk three hundred weight } two ounces.
Malt, every four bolls half boll two ounces.
Meal, every six bolls two ounces.
Masts of all sorts, ilk dozen two ounces.
Mittons, called woven Mittons, ilk thousand pair two ounces.

N

Nails of all sorts, ilk twenty thousand two ounces.
Nuts, ilk eight barrels two ounces.
Needles of all sorts, ilk twenty groce, the groce containing twelve dozen one ounce.
Night-caps, ilk thirty dozen one ounce.
New-lit, ilk hundred weight two ounces.

O

Oars of all sorts, the hundred containing six score two ounces.
Oats, every six bols two ounces.
Oxen, ilk three of them two ounces
Oyl, ilk six barrels two ounces.
Orchyard-lit, ilk hundred weight two ounces.
Onions and Onion heads, ilk four barrels two ounces.
Oisters, ilk twenty thousand one ounce.

P

Pans of Brass, ilk hundred weight two ounces.
Pans of Iron, ilk five hundred weight two ounces.
Passments, { of Silk of all sorts, ilk four pound / of Worstead or Threed, ilk twenty groce, the groce containing twelve dozen of ells } two ounces.
Pease, every six bolls two ounces.
Penner and Ink-horns, ilk two groce two ounces.
Pewter, ilk hundred weight two ounces.
Pistols, ilk eight pair two ounces.
Pitch, great or small bind, ilk four barrels two ounces.
Points { of Silk, ilk four groce / of Leather, ilk ten groce / of Threed, ilk threescore groce } two ounces.
Pots of Brass, ilk hundred weight two ounces.
Pots of Iron, ilk three dozen two ounces.
Powder, ilk hundred weight two ounces.
Pyp-staves, ilk six hundred two ounces.
Purses of Leather, ilk four groce two ounces.
Plaiding, ilk hundred ells two ounces.
Pepper, ilk hundred weight two ounces.
Paper, ilk fourty reams two ounces.
Plaids called wearing Plaids, ilk hundred ells four ounces.
Phingrim, being a sort of Plaiding, ilk hundred ells three ounces.
Prunes, ilk two hundred weight one ounce.
Pleuch-socks and culters, ilk hundred two ounces.
Pellet-skins, ilk two hundred one ounce.

R

Ribbands { of Silk, ilk four pound weight / of Worstead, ilk ten groce } two ounces.
Rotet, ilk three hundred weight two ounces.
Rye and Rye-meal, ilk six bolls two ounces.
Raisines, ilk hundred weight one ounce.

	Bullion. *Silver, twelve Denier fine.*
Roe-skins, ilk hundred	two ounces.
Runds of Cloath, ilk three thousand ells	one ounce.

S

Sail-canvas, ilk two hundred ells	two ounces.
Sack-cloath, ilk two hundred ells	two ounces.
Saddles covered, ilk twenty four	two ounces.
Saddle-stocks, ilk thirty	two ounces.
Soap, ilk six barrels	two ounces.
Salmond, ilk three barrels	two ounces.
Salt, ilk three chalders	two ounces.
Salt-peter, ilk two hundred weight	two ounces.
Sayes of Scots making, ilk fifty ells	two ounces.
Sayes of Flanders making, ilk fifty ells	two ounces.
Searges of Scots making, ilk fifty ells	two ounces.
Sheep, ilk twenty of them	two ounces.
Silk of all sorts, ilk four pound weight	two ounces.
Skins, called: Calf-skins, ilk three dacker	two ounces.
Skins, called: Clipped-skins, ilk fifteen score	two ounces.
Skins, called: Cunning-skins, ilk two thousand	two ounces.
Skins, called: Fulmert-skins, caled Fitchoes, ten dacker	two ounces.
Skins, called: Futfells and Skaldings, ilk thousand	two ounces.
Skins, called: Goat-skins, ilk three hundred	two ounces.
Skins, called: Kid-skins, ilk thousand	two ounces.
Skins, called: Lamb-skins, ilk two thousand	two ounces.
Skins, called: Lentron ware, ilk thousand	two ounces.
Skins, called: Marikin-skins made in *Scotland*, ilk hundred	two ounces.
Skins, called: Mertrick-skins, ilk dacker	two ounces.
Skins, called: Otter-skins, ilk two dozen	two ounces.
Skins, called: Shorling-skins, ilk two hundred	two ounces.
Skins, called: Sealch-skins, ilk twenty dacker	two ounces.
Skins, called: Tod-skins, ilk half hundred	two ounces.
Skins, called: Veal-skins, ilk four dacker	two ounces.
Skins, called: Wool-skins, ilk fifteen score	two ounces.
Skins, called: Woolf-skins, ilk two dacker	two ounces.
Sparres, Roof-sparres, ilk hundred	two ounces.
Sparres, Roof-sparres of Oak, ilk twenty	two ounces.
Sparres, Wicker-sparres, ilk thousand	two ounces.
Stulling, every six bolls	two ounces.
Stirrop-irons, ilk ten dozen	two ounces.
Stirrop-leathers, ilk twenty dozen	two ounces.
Sword-blaids, ilk threescore	two ounces.
Swords mounted, ilk twenty	two ounces.
Sword-belts of Leather, ilk twelve dozen	two ounces.
Swine, ilk ten of them	two ounces.
Sugar of all sorts, ilk sixty pound weight	two ounces.
Sythes, ilk threescore of them	two ounces.
Seathes, ilk five hundred thereof	two ounces.
Seathes, ilk six barrels	two ounces.
Shooes, ilk hundred pair	two ounces.
Starch, ilk hundred weight	two ounces.
Slyreland, ilk hundred ells	three ounces.
Sewed Beds the piece	two ounces.
Sulfur, ilk hundred weight	one ounce.

T

Tallow, ilk five hundred weight	two ounces.
Tallow, called *Narves* Tallow, ilk six barrels	two ounces.
Scots Tallow, ilk three barrels	two ounces.
Tar of great and small bind, ilk six barrels	two ounces.
Tyking for beds, ilk hundred ells	two ounces.

Towe,

Bullion.

Silver, twelve Denier fine.

Tows, ilk five hundred weight — two ounces.
Trumps, ilk five hundred — one ounce.
Tobacco, ilk hundred weight — one ounce.
Tobacco-pipes, ilk fourty groce — one ounce.

V

Veals, ilk ten of them — two ounces.
Viniger { of Wine, ilk two tunns — two ounces.
of Bear or Ale, ilk three tunns — two ounces.

W

Wadmoll, ilk two hundred ells — two ounces.
Wainscot of all sorts, ilk thirty of them — two ounces.
Wax, ilk last or fourteen Ship-pounds — four ounces.
Wheat, every four bolls half boll — two ounces.
Whale-shot, ilk two barrels — two ounces.
Worstead yarn for Sewing, ilk twenty pound — two ounces.
Wool, ilk six stone weight — two ounces.
Wines, ilk tun — two ounces.
Wine-sellars, ilk twenty of them — two ounces.
Whingers or Durks, ilk sixty of them — one ounce.

Y

Yarn, { Cable-yarn, ilk eight hundred weight — two ounces.
Cotton-yarn, ilk sixty pound weight — two ounces.
Irish-yarn, ilk three hundred weight — two ounces.
Raw Linning-yarn, Dutch or French, ilk sixty pound — two ounces.
Scots-yarn, ilk fifty pound weight — two ounces.
Spruce or *Muscovia*-yarn, ilk two hundred weight — two ounces.
Woollen or Bay-yarn, ilk hundred weight — two ounces.

XXXVIII.

Commission and Instructions to the Justices of Peace and Constables.

OUr Soveraign Lord, taking to His Royal consideration, how much the appointing of Justices of Peace and Constables within all the Shires of this Kingdom, under the Reign of His *Majesties* Royal Predecessors, did contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their jurisdiction and power. Therefore, and for the furtherance of these ends in the future, His *Majesty*, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, That in all time coming, there shall be Justices of His *Majesties* Peace appointed within each several Shire of this Kingdom, to be nominate, from time to time, by His *Majesty* and His Royal Successors: Which Justices of Peace are hereby impowered to administrate Justice, and put His *Majesties* Laws in execution, according to the particular Instructions after-mentioned, *viz.*

The Justices of Peace at their first sitting, shall take the Oath of Alleagiance, and Oath *De fideli administratione*: which at first shall be administrate to them by the Sheriff or his Depute of ilk respective Shire, or in their absence, by the President and Conveener for the time.

Followeth the Oath of Alleagiance.

I *For testification of my faithfull Obedience to my most gracious and redoubted Soveraign,* Charles, *King of Great* Britain, France *and* Ireland, *Defender of the Faith,* &c. *Affirm, testifie and declare, by this my solemn Oath, that I acknowledge my said Soveraign, only Supream Governour of this Kingdom, over all persons, and in all Causes, and that no Forraign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my outmost power, defend, assist and maintain His* Majesties *Jurisdiction foresaid against all deadly, and shall never decline His* Majesties *Power nor Jurisdiction, as I shall answer to GOD.*

Followeth

Followeth the Oath *De fideli administratione.*

I As one of the Commissioners and Justices of Peace, within Shires, according to my knowledge, wit and power, shall do equal Right both to rich and poor, conform to the Laws, Statutes and Customs of the Land: and that I shall not be of Council with any person in any quarrel or matter depending before me; and that I shall every Quarter keep the Sessions, or oftner, as I shall be required, not having any just impediment in the contrair, and shall faithfully and truly discharge my duty as a Justice of His Majesties *Peace, and shall leave nothing undone that may tend to the preservation of the same: So help me GOD.*

The Justices of Peace, in each respective Shire, shall meet and conveen together, four times in the year, *viz.* On the first Tuesday of *May*, the first Tuesday of *August*, the last Tuesday of *October*, and the first Tuesday of *March*. In which Sessions, they shall administrate Justice to the people in things that are within their Jurisdiction, and punish the guilty, for Faults and Crimes done and Committed in the preceeding Quarter: and by mutual and conjunct advice, make and rectifie Ordinances for the Fees of Servants, Shearers in Harvest and other Labouring men, appoint Prices for all Handy-crafts, elect or continue Constables or other Officers, and dispose of the Fines and Mulcts for Paiment of the constables, Clerks and other Officers Fees, and imploy the remnant on such necessary and pious uses, as they shall find most expedient; and shall have power to continue the said Sessions, or to adjourn the same to such dayes and place as shall be most convenient.

And one Justice shall have power upon complaint of any person, being threatned and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting: As also to commit him until Surety be found by him, the said Complainer alwayes giving his oath before the Justice, that he hath just cause to dread him harm. And albeit no person complain, yet if the Justice be credibly informed of appearance of trouble betwixt any parties, he shall bind them to the peace in manner foresaid, except the parties declare upon their consciences, that neither of them bear any grudge to other? And all such Bonds shall be kept and Recorded by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and registrate by him.

If any person being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause, if the party be a Landed Gentleman, whose Rents exceed ten chalders of victual, or one thousand Merks of silver, then the Justice (whose command is contemned) shall inform the same to some of His *Majesties* Privy Council, to the effect, the party of the quality foresaid may be called and fined for his disobedience; and if the disobeyer be of a meaner degree, the Justice of Peace shall hereby have power to command the next Constable, or in absence of a Constable, his own servant, or any other person having a Warrand in writ subscribed by the said Justice of Peace, with assistance of the Country, to bring any such party before him.

If either the Sheriff or Baily shall condemn any person in Blood-wyt: or otherwayes convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall find him not condignly punished, in regard of the offence committed by him, they shall then inform His *Majesties* Council thereof, that they may take order therewith; and if there be no satisfaction made by the Sheriff or Baily to the Party offended, the Justices may modifie a reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they find the satisfaction decerned by the Sheriff or Baily, in favours of the said party offended, not condign, nor answerable to the offence and wrong sustained, then they shall also inform His *Majesties* Council thereof, that they they may take order therewith as appertaineth.

If either Sheriff or Baily or their Deputes, by colluſion with the Deliquent, shall suffer any person guilty, to be quitted or cleared by an Assize, the Party once declared, is not to be brought further in question before the Justices, but upon their information, the Judges are to be called, censured and severely punished by His *Majesties* Council.

The saids Justices shall hereby have power to proceed upon all persons committing Riots, and breaking the Kings Peace under the degree of Noblemen, Prelats, Councellors and Senators of the College of Justice, and to punish and fine according to the quality of the Crime, and the Estate of the Offender. And if any of the saids persons, being Charged to compear before the saids Justices, shall disobey, the Summons being indorsed, the lawfull Citation verified, and Fact proven, the Justices shall punish and fine the not compearing, according to the quality of the Crime and Estate of the Offender. And for the more clear determination of the order which shall be kept by the saids

Commissioners

Commiſſioners, in the deducing of any ſuch proceſs, Our Soveraign Lord, with advice of His Eſtates, Declareth, That it ſhall be lawful to the ſaids Juſtices, whenſoever they have any occaſion to move any action againſt Parties, for commiting any like Fact or Riot, to refer the firſt Summons to the Parties oaths of verity, failzeing of other lawfull probation; who being perſonally ſummoned by that firſt Citation, ſhall be holden as confeſt, and Decreet to be prounounced againſt him, conform to the Libell and Summons. And if he be not perſonally ſummoned by the firſt Citation, the ſaids Commiſſioners ſhall be holden to cauſe Summon him of new again, by a ſecond Summons at his dwelling place; which two Citations ſhall be as ſufficient to infer Decreet and Sentence upon the Libell againſt him, as if he were apbrehended perſonally. And which Sentence given after the manner and form of probation above-written, His *Majeſty*, with advice foreſaid, Authorizes and Suſtains as good and lawfull in themſelves. And as concerning theſe Perſons of higher degree, the ſaids Commiſſioners ſhall uſe all their power for preventing and ſtaying of the Riots, commanding the attempters in His *Majeſties* Name to ceaſe, and to find Cauion for keeping of the Peace, and for their compearance before His *Majeſties* Council, And if any perſon being charged to find Caution, and refuſe it, or delay to do the ſame, and in the mean time contraveeneth the ſaid Charge, by committing of ſome Deed betwixt the time of the Charge and finding of the Caution, nevertheleſs he ſhall be anſwerable for the pain, from the date of the Charge, likeas it Caution had been then found.

The ſaids Commiſſionrs ſhall put His *Majeſties* Act of Parliament to due and full execution againſt wilfull Beggars and Vagabonds, ſolitary and idle Men and Women without Calling or Trade, lurking in Alehouſes, tyed to no certain ſervices, repute and holden as Vagabonds; and againſt thoſe perſons who are commonly called Ægyptians, and they ſhall puniſh and fine their Reſſetters and Setters of houſes to them accordingly, by ſuch competent pains as is proper for them to enjoyn.

The ſaids Commiſſioners and Juſtices of Peace are hereby authorized and impowered, to give order (as they ſhall think moſt convenient, and with leaſt grief to the Subjects) for mending of all High-wayes and Paſſages, to or from any Mercat-town or Sea-port within that Shire, and ſhall cau before them all ſuch perſons as ſhall ſtrait theſe Paſſages (or otherwayes by caſting of Ditches or Huſſes through the ſame) ſhall make theſe High-wayes noiſome and troubleſome unto paſſengers, and ſhall puniſh and fine them according to the quality of thier offence. And to the effect it may be known of what breadth all common High-wayes ſhould be to Mercat-towns, Our Soveraign Lord, With advice foreſaid, Declareth, That the ſame ſhould be of twenty foot of meaſure in breadth at the leaſt, and where any are of larger breadth, they Ordain the ſame ſo to remain unaltered or ſtraitned, and that the ſaids Juſtices maintain the ſame, with all other Wayes from any Town in the Paroch to the Paroch Churches, in the eſtate as they are: And where they find any neceſſity of other Wayes from any Town in the Paroch to Paroch Churches, they ſhall inform His *Majeſties* Secret Council thereof, who ſhall give them (after ſufficient information) their direction thereanent; according whereunto, they ſhall be holden to proceed. And if any perſon refuſe to coucur for mending of High-wayes and Paſſages, the ſaids Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion; with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeverity or rigour as may move juſt complaints againſt them, they ſhall be cenſured therefore by His *Majeſties* Secret Council as apperraineth.

The ſaids Juſtices ſhall put His *Majeſties* Acts of Parliament to execution, againſt Cutters and Deſtroyers of Planting, Green-Wood, Orchards, Gardens, Haynings, Breakers of Dove-houſes and Cunninghares, Stealers of Bees and Bee-hives, uſers of unlawfull Games with Setting Dogs, Slayers of red and black Fiſhes and Smolts, in forbidden time, Foulers fouling in other mens Lands, Makers of Moorburn and Moſſeburn, Setters of Crooes and Nets in Waters and Dames, having, and keeping of Crooes and Yairs in forbidden time, and ſhall proceed againſt them accordingly. And for their better warrand to proceed in the premiſſes, it is His Highneſſe pleaſure, that Commiſſions be granted to the ſaids Juſtices of Peace, to try and puniſh the violators of the ſaids Acts; in the tryal whereof they ſhall proceed by witneſſes, or by oath of Party; and the puniſhment to be inflicted by them, ſhall be a pecunial ſum, anſwerable to the circumſtance of the offence, and quality of the offenders; with ſpecial proviſion, that their Cenſures and Puniſhments ſhall extend againſt none, but thoſe againſt whom by priviledge of their Inſtructions they may lawfully proceed. And alſo with proviſion, that the ſaids Commiſſions be not extended to any perſons, who ſhall be arreſted and conveened for the ſaids crimes, before any other ordinary Judge. It is alſo provided, that the ordinance and power contained in this Article, ſhall no wayes be prejudicial to any other Commiſſions, or Rights whatſoever, granted to other parties, whereby they have power to proceed and cenſure the crimes and offences above-written.

Item,

Item, They ſhall inform the Kings *Majeſties* Council, and His Highneis Treaſurer, or Advocat, at the leaſt once every year, of Foreſtallers and Regraters of Mercats, that order may be taken whth them, conform to the Acts of Parliament.

It ſhall not be leaſome to any Hoaſtlar, to reſſet any Maſterleſs Men and Rebels at the Horn, any Vagabonds, or other perſons guilty of known Crimes, or uſing Stouth and Reaf, under the pains underwritten: To wit, fourty ſhillings to be incurred by them for the firſt fault, four pounds for the ſecond, and ten merks for the third; together with the loſing the liberty of Brewing: The incurrers of the which pains, ſhall be puniſhed according to the order foreſaid, by the Barrons and Maſters of the ground whereupon the Hoaſtlar dwelleth, within the ſpace of fifteen dayes after the committing of the Fact; and if the ſaids Barrons and Heritors, neglect to do the ſame, within the ſaid ſpace, it ſhall be lawful to the ſaids Juſtices, to purſue and fine the Delinquents in their Courts, according to the pains foreſaid, and to uplift the ſame from them; without prejudice alwayes of whatſoever Acts, made againſt the ſaids Hoaſtlars in the Barron Court Books, under whom they dwell, bearing any higher pain, then as is ſet down in this above-written Act, and alſo without prejudice of all Action, Criminal or Civil, competent of the Law, againſt the ſaids Hoaſtlars, in caſe they be under the danger thereof, which ſhall not be taken away by any puniſhment, ſet down, and to be inflicted, conform to this Act.

Item, They ſhall inform the Kings Treaſurer and Advocat, of breakers and contraveeners of the Acts of Parliament, made againſt Malt-makers, that the tranſgreſſors and contraveeners thereof may be puniſhed, conform to the Tenor of the ſaid Acts.

They ſhall ſet down order in the Countrey, for Governance in time of Plague, and ſhall puniſh ſeverly the diſobeyers of the order appointed by them according to the quality of the Delinquent.

They ſhall appoint at the Quarter Seſſions to be kept in *Auguſt* and *February*, the ordinary Hire and Wages of Labourers, Work-men and Servants, and who ſhall refuſe to ſerve upon the price ſet down by them, ſhall be impriſoned, and further Puniſhed at their diſcretion: and to the effect Servants may be the more willing to obey the Ordinances to be made by the ſaids Juſtices, for the ſaids Fees, the ſaids Juſtices ſhall have power to decern, and compel the Maſter to make paiment of the Fees, appointed by their Ordinance, in caſe the Servants pleaſe rather to purſue for the ſame before them then any other Judge.

The ſaids Juſtices ſhall take notice in all Sheriffdoms, where there are any Goals, and Priſon-houſes, within any Burgh, that the ſame be kept up and not ſuffered to decay or become ruinous: and if there be any Shire, where there is not any Goal or Priſon-houſe, they ſhall inform His *Majeſties* Council thereof, that they may appoint and give order for building of one within the Head Burgh of the Shire, and according to the directions to be given thereanent, the Juſtices ſhall be holden to proceed.

And becauſe there be a great many of Priſoners apprehended and committed, who having no means of their own for their maintainance and entertainment, will otherways famiſh and ſtrave before they can come to their tryal, who not the leſſe, in regard of the crimes committed, can no wayes be put under ſurety, or otherwayes, in faults of leſſe conſequence, are unable to find ſufficient Caution to be made forth coming and anſwerable at the next Seſſion; Therefore it ſhall be lawful to the ſaids Commiſſioners and Juſtices, at their Quarter Seſſion, to rate every Paroch for a weekly proportion, for the entertainment of thoſe poor Priſoners; providing they do not exceed the ſum of five ſhillings Scots money at the moſt, nor under one ſhilling at the leaſt; which ſum ſhall be uplifted for that uſe by the Miniſter or Reader who ſhall ſerve at every Paroch, from ſuch Deacons, who ſhall be appointed to collect the ſame; and the ſaids ſums to be delivered by the Conſtable of the Paroch, at the Quarter Seſſions, in preſence of the whole Bench then conveened, to ſuch perſons as the ſaids Juſtices ſhall truſt therewith, and who accordingly, ſhall make due account in paying the Jaylors ſuch rates as ſhall be allowed for the poor Priſoners, and making the reſt forth coming for ſuch uſe and intent of the like nature, as the ſaids Juſtices ſhall appoint.

All Magiſtrates of Burghs, and keepers of any Goals or Priſons, ſhall receive into their Priſons, all ſuch perſons as either ſhall be brought by Conſtables, or ſent unto them by warrands under the hand of any one Juſtice of Peace, the ſaids Juſtices cauſing ſatisfie for their entertainment; and if any Magiſtrates, or their Jaylors, ſuffer any perſons, commited by the Juſtices to their Priſons, to eſcape, they ſhall be condignly puniſhed therefore, at the diſcretion of His *Majeſties* Council.

Item, Our Soveraign Lord, with advice foreſaid, Ordains the ſaids Commiſſioners, to ſet a price upon Crafts-mens work, and upon the Ordinars of Penny-Bridals, together with the price of Shearers Fees, and to puniſh the contraveeners, as appertaineth.

They ſhall cauſe ſufficient ſingle and double Ale to be brewed in every Shire, and ſhall appoint Viſitors to that effect, with conſent of the Barron and Over-lord of the ground: They ſhall ſet down Acts againſt notorious and common Drunkards, and impoſe ſums upon the Contraveeners, according to their qualities and deſerts.

Our

Our Soveraign Lord, with advice foreſaid, Declareth, That Three Juſtices of Peace ſhall be a full number and Seſſion, to decide in matters occuring betwixt the four Quarter Seſſions.

Alſo Declares, that no Letters of Caption ought to be granted againſt the ſaids Juſtices, for apprehending of Rebels, except they be found ſubject to do the ſame, by poſſeſſing of ſuch other Offices and places, to the which the obedience and putting to execution of any ſuch charges doth belong.

And becauſe there is ſenſible prejudice ſeen and felt through many parts of the Kingdome, by reaſon of diverſity of Meaſures and Weights uſed in the ſame. Therefore Our Soveraign Lord, with advice foreſaid, for removing of all abuſes, which may enſue in any time to come thereby, Hath found expedient, and by this Decreet and Statute of Parliament, Decerns, Statutes and Ordains, That there ſhall be but one *juſt* Meaſure and Weight through all the parts of the Kingdom, which ſhall univerſally ſerve all His Highneſſe Lieges, by the which they ſhall ſell and buy, and receive, and give out in all times to come; which Meaſure, His *Majeſty* with advice foreſaid, finds ſhould be that Meaſure of *Linlithgow*, which is now commonly uſed and which hath been uſed moſt cuſtomably through the greateſt parts of this Kingdom theſe many years by-paſt. And for ſetling a perfit Order, whereby all the Meaſures that are now uſed may be reduced to the conformity of the ſaids Meaſures now authorized; and for making of proporion anſwerable betwixt the leſſer Meaſure and Weights, and the greateſt. His *Majeſty* with advice foreſaid, hath granted full Power and Commiſſion to *Alexander Frazer* of *Phillorth*, Sir *Gilbert Ramſay* of *Balmayn*, *William Scot* of *Ardroſs*, *John Murray* of *Touchadam*, Sir *Robert Hepburn* of *Keith*, *James Creightoun* of *Saint Leonards*, Sir *Andrew Ramſay*, Sir *Robert Murray*, Sir *Alexander Wedderburn*, *John Bell*, *William Cunningham*, *Andrew Glen*, Sir *Wiliam Thomſon*, Whom, or any ſeven of them, His *Majeſty*, with advice foreſaid, Ordains to meet and conveen together, at ſuch time and place as they ſhall think expedient, and to conſult and adviſe together, and to appoint and determine upon the moſt covenient means, how the ſaid Meaſures and Weights may be reduced to the conformity foreſaid; and after they have ripely adviſed therewith, and given forth their determination thereanent, they ſhall deliver the ſame, and whole courſe of their proceedings, in the ſaid matter to the Commiſſioners and Juſtices of Peace, and to the Deans of Gild of the Head Burghs of the Shires, who ſhall be holden carefully to do their diligence to ſee the Meaſure foreſaid, now appointed, to have courſe through all parts, as well Burgh as Landwart. And that there may be one conſtant conformity in Head Burgh and Land, Our Soveraign Lord, with advice and conſent foreſaid, Ordains, that the ſaids Juſtices of Peace in Landwart, take tryal of the Meaſures and Weights uſed in Burgh, and to take a Note from the Magiſtrates, and Deans of Gild of every Town, of the Weights and Meaſures, and of the number thereof which the ſaids Magiſtrates and Deans of Gild in Burgh, ſhall be holden to ſhew, declare and give up to them, to the effect the ſaids Juſtices to Landwart, may confer the ſame with the Standard now authorized; and where they find any diſconformity in the ſame, from the ſaids Standard, the ſaids Juſtices ſhall inform the Kings *Majeſties* Council thereof, that they may take order therewith as appertaineth: For it is expreſly provided by theſe preſents, that the ſaids Magiſtrates in Burgh, ſhall not be permitted to have or uſe moe Meaſures within Towns, then the number to be profeſſed by them, and given up in Writ to the ſaids Juſtices to Landwart, as ſaid is: this alwayes being reſpected, That if the ſaids Magiſtrates within Burgh, find any neceſſity for having any moe Meaſures then was given up and uſed by them before, it ſhall be licenced to them to make moe Meaſures, they being anſwerable and conform to the Standard; and making the ſaids Juſtices to Landwart foreſeen and acquaint therewith, and declaring the number of the Meaſures, whereof they find the neceſſity of uſe.

The ſaids Juſtices ſhall be holden to give command and direction to their Conſtables, to apprehend any ſuch perſon, who ſhall be found contemptuouſly to have diſobeyed the Cenſures of the Church, they being lawfully required to do the ſame.

The ſaids Juſtices of Peace, as well to Burgh as Land, ſhall conveen and be preſent at the Quarter Seſſions of the Shire where the Burgh and Land lyeth, give their Oath to the Bench at their admiſſion, make their Record, and make payment of the Fines intrometted with by them as Juſtices of Peace of that Shire, to their Collector.

They ſhall appoint a ſufficient Collector for uplifting the Fines and Penalties, which they have power to impoſe upon an Offender, and are to take Caution of him for making due accompt.

They ſhall have, during the time of Seſſions, for every day of their abode (ſo it do not exceed the number of three dayes at the moſt at one time) allowed to every one of them, fourty ſhillings *Scots* money, daily to be paid and uplifted by the Collector of the Fines; but neither Earl, Lord, Biſhop, Privy Councellor, or Seſſioner, ſhall have any allowance; and all ſuch Juſtices as have the benefit of that allowance, and ſhall be abſent from every ordinary Quarter Seſſions, or otherwiſe when he is required lawfully by the *Cuſtos Rotulorum* to any particular Meeting, ſhall incur the penalty of fourty pounds *Scots* money, not being lawfully excuſed, and the excuſe allowed by the reſt of the Juſtices there aſſembled.

The Lords of Seſſion ſhall direct general and ſummar Charges of Horning and Poynding, at the inſtance of the Collector appointed in every Countrey for ingathering all Fines and Penalties

whatſoever incurred, upon a ſimple Charge of fifteen dayes; and no Suſpenſion ſhall be granted thereof, but upon conſignation of the ſums contained in the Sentences, and by finding Caution for paiment of the Charges at the modification of the ſaids Lords.

The ſaids Commiſſioners, at the end of every Quarter Seſſions, ſhall ſend to His *Majeſties* Council, a Catalogue of all ſuch perſons as they have either committed, or otherwayes put under ſurety, with a ſhort Abbreviate of the cauſe thereof; to the effect, that thereupon the Council, as they ſhall think expedient, may return to them againſt their next Seſſion, or the *Cuſtos Rotulorum* in the mean time, their further directions.

The ſaids Juſtices ſhall put in execution, all Acts of Parliament made for puniſhing all perſons whatſoever, who ſhall Curſe or prophanely Swear, or ſhall be Mockers or Reprochers of Piety, or the exerciſe thereof; and ſhall require and levy upon every Offender, the ſeveral penalties following, *viz.* Of a Nobleman twenty pounds: each Barron twenty merks; each Gentleman, Heritor or Burgeſs, ten merks; each Yeoman fourty ſhillings; each Servant twenty ſhillings, *Scots* money; each Miniſter in the fifth part of his years Stipend; without prejudice to other proceedings againſt any ſuch Miniſter for the ſame. And in any of all the caſes before ſpecified in this Inſtruction, the ſaids Juſtices ſhall put in execution all ſuch Laws, as for Corporal puniſhments, have any proviſions mentioned in them for ſuch caſes: And in caſe of the inabilities of the parties Delinquents to pay the ſum mentioned in this Inſtruction, the ſaids Juſtices ſhall put in execution ſuch Laws, as for Corporal puniſhments, have any proviſion mentioned in them for ſuch caſes; and that the Wives Delinquents ſhall be puniſhed according to the quality of their reſpective Husbands, and that their Husbands be lyable for the payment of their Wives Fines reſpectively, in manner above-mentioned, *toties quoties* for each fault: And all others whatſoever, not particularly herein nominate, are to pay in proportion to their reſpective qualities and degrees. And alſo, the ſaids Juſtices are to put in execution, the Acts of Parliament made for the puniſhing of all perſons that ſhall be found guilty of the ſin of Fornication; and that they levy or cauſe to be levied, the ſeveral pecunial ſums therein mentioned, *viz.* For each Nobleman, for the firſt fault four hundred pounds; each Barron two hundred pounds; each other Gentleman and Burgeſs one hundred pounds; every other perſon of inferiour quality ten pounds, *Scots* money; and that theſe penalties ſhall be doubled *toties quoties*, according to the relapſes and degrees of the Offence, and quality of the Offenders. And that the ſaid penalties ſhall be levied, not only of the Man, but alſo of the Woman, according to her quality, and the degree of her offence, the one without prejudice of the other. All and ſundry which penalties ſo to be levied, Are to be diſpoſed of as followeth; To wit, one half to pious uſes in the ſame Paroch where the Offenders live, or the Offence hath been committed, and the other half to be divided in two equal parts, one part whereof to be given to the Informer and Proſecutor, and out of the other half, to ſatisfie the Conſtable, or other perſons who ſhall be imployed for bringing the perſon accuſed to Juſtice, and the remainder to be diſpoſed to pious uſes, or to ſatisfie the Conſtables for their travel and ſervice in other parts of their office, according as the Juſtices ſhall think fit.

That the Juſtices ſhall put the Acts of Parliament in execution, for the puniſhing of all perſons found guilty of the ſin of Drunkenneſs or exceſſive Drinking, eſpecially under the names of Healths, or haunting Taverns or Ale-houſes after ten of the Clock at night, or at any time of the day, except in time of travel, or for ordinary refreſhments. As alſo againſt the keepers of the Taverns or Ale-houſes, that ſhall ſell the drink unto them: Which penalties in the ſaids ſeveral Acts contained, the ſaids Juſtices are to levy, or cauſe to be levied, upon the ſaids Delinquents; and the ſaids penalties are to be diſpoſed of by the ſaids Juſtices, in like-manner as aforeſaid.

The ſaids Juſtices ſhall put in execution, all Acts of Parliament, made againſt ſuch perſons as ſhall Profane the Lords-day, and require or levy the penalties therein contained: which penalties foreſaid, the ſaids Juſtices are to diſpoſe of, in like manner as aforeſaid.

And at what time and whenſoever one ſhall accuſe another perſon or perſons to be guilty of Treaſon, Murder or other Fellony, Blaſphemy, Inceſt, or any other hainous Crimes: in ſuch caſes the ſaid Juſtice or Juſtices, ſhall forthwith cauſe ſuch perſon or perſons to be apprehended, and after inquiry made in the cauſe, the ſaids Juſtice or Juſtices, if they find cauſe, ſhall commit the Offender to priſon, or take ſufficient Bail, if the caſe by the Law be bailable; and ſhall take the information of the Party accuſing upon oath, and bind him to Proſecute, and ſhall take the teſtimony or depoſition of the Witneſſes likewiſe upon oath, and bind them to give in evidence, and ſhall alſo take the Examination of the Party accuſed. All which Recognizances, Informations, Depoſitions and Examinations, the ſaid Juſtice or Juſtices, ſhall certifie to the next Quarter Seſſions, Aſſizes or Criminal Courts reſpectively, to the end the Juſtice may proceed againſt them according to the Law.

And

And if any Nobleman, Barron or Baily, or any in their names, having power, shall acclaim the right of jurisdiction to proceed against any Delinquent apprehended by a Constable for any Capital crime: Then, and in that case, any of the Justices shall receive security of the said Party, who required the Defender to be delivered to him, that justice shall be duly ministred, and then shall cause delivery of the said person to be made to him; and the said Justice of peace, at the next Session, shall certifie the whole matter to the Bench; to the effect they may enquire, whether justice hath been accordingly ministred, and if any fault be found, to advertise His *Majesties* Council, that order may be taken therewith.

The saids Justices shall twice in the year, at the first of *December* and the first of *June*, take up a list of the Poor in every Paroch within Burgh or Land; into which number there shall no person be received, who are any way able to gain their own living; and to the effect these Poor may no longer be necessitate to seek their living, with such hardship and difficulty by scandalous vaging as hitherto they have been in use of, the Justices shall appoint two or moe persons of good fame and quality in every Paroch, to be Overseers for the Poor in each Paroch aforsaid, and to authorize the saids Overseers to make due tryal and examination of the conditon and number of such Poor, Aged, Sick, Lame and impotent inhabitants of the said Paroch, who (of themselves) have not to maintain them, nor are able to work for their living, as also of all Orphans and other poor Children within the said Paroch, who are left destitute of all help: and the saids Overseers are to list and inroll all such persons, and to provide them such a convenient House for their dwelling, either a part or together, as they shall judge requisit; and upon consideration had, what the necessary maintenance will extend to weekly, the saids Overseers are to call for the Collections of the said Paroch, or other Sums appointed for the maintenance of the poor thereof; and the persons who have the saids sums in their hands, are hereby required to deliver the same to the saids Overseers; and their Receipts under their hands, shall be their sufficient Discharge: which sum so received, the Overseers, are to dispose proportionably to the several poor people aforesaid, according as they shall find their necessities to require, and the saids Overseers are to take due tryal of the good behaviour and carriage of the poor persons, listed and inrolled as aforesaid, that if any of them being so provided, shall go abroad to beg, or otherwayes miscarry themselves, or shall refuse, being able, to work any manner of work that they are able to perform; in such cases, the said Overseers are to acquaint the said Justices therewith, who shall appoint such punishments for the first fault, as in their judgements they shall find requisit; and if they shall continue in such miscarriages, they are to be holden and repute as Vagabonds, and so to be proceeded against according to the Law in that case provided. And to the end that there may be an exact performance of the premisses, the saids Justices are hereby required, to call before them the saids Overseers once in every six months, or oftner if they shall think expedient, to give an account upon Oath of the whole Sums received by them, and to produce the Rolls of the said poor, together with an Account of what money they have received any otherwayes, for the use of the said poor; and after a due consideration of the charge, together with the Discharge thereof, to approve, allow, or disallow the same, as shall be found just, and the said Justices are to take due tryal and examination how the said Overseers have discharged their Trust; and in case of refusal of any of the saids Overseers, nominat and elected as aforesaid, to accept the said office, or having accepted, shall be found negligent therein, or shall refuse or delay to give an account of their intromissions, when required as foresaid, or to deliver what money shall be found resting in their hands, undisposed of at the end of the year, unto such new Overseers as shall be appointed: in such cases of the offenders shall incur the penalty of twenty pounds *Scots*, to the use of the Poor; and suffer further Censure, at the said Justices, at their Quarter Sessions, upon consideration had of their fault, shall see meet to impose.

And further, the saids Justices are hereby impowered and commanded, to call for an account from these who took upon them to exerce that place and office, during the late Usurpation, of all Fines, Penalties and others, raised, exacted or uplifted of any persons, and to ordain them to deliver and make paiment to them of what hath not been by sufficient order disposed of: in any case of any difference arising thereupon, that the Justices consult His *Majesties* Council, who shall give their orders therein.

Constables.

OUr Soveraign Lord, with advice of His Estates, Findes and Declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace, in their Quarter Sessions, throughout the whole Countrey, two at least in every Paroch, or moe, according their discretion, having considertion of the quality thereof; In great Towns likewise, not being Cities nor free Burghs, they are to appoint a number of Constables proportionably to the greatnesse thereof; but in all Burghs Regall, and free Cities, the Constables are to be chosen by the Magistrates of the same; and they are to endure, and to be changed, from six to six months.

And who ſhall refuſe to accept the Charge, and not to give his Oath for dutifull execution thereof, ſhall be impriſoned, and fined at the diſcretion of the Juſtices of Peace at their next ſitting.

Followeth the Oath to be taken by the Conſtables.

I *Do ſwear, that I ſhall faithfully and truly diſcharge the Office of Conſtabulary, within the Paroch of,* &c. *induring the time appointed to me, and ſhall not for favour, reſpect. or fear of any man, forbear to do what becometh me in the ſaid Office: and above all things,* I *ſhall regard the keeping and preſerving, of the Kings* Majeſties *Peace, and ſhall at every Quarter Seſſion aud meeting of Juſtices, give true and due information of any breach which hath been made of His* Majeſties *Peace, within the bounds of my Commandment*; *and ſhall no way hide, cover, nor conceal the ſame, nor any of the proofs and evidences which I can give for the clearing and proving thereof: So help me GOD.*

All the Conſtables, or at leaſt one of every Paroch intruſted with power to anſwer for the reſt within the ſaid Paroch, ſhall attend at every Quarter Seſſion; their to give information of all ſuch breaches of the Peace, and other miſedemeanors as have happened within their bounds, ſince the preceeding Seſſions, and have come to their knowledge; and ſhall no way hide, cover, nor conceal the ſame, nor any of the proofs and evidences which they can give for the clearing and proving thereof; and otherwayes to give the Bench further information in any thing wherein they ſhall be required, and to receive from the ſaids Juſtices at the end of the Seſſion, ſueh order and direction, as they ſhall enjoyn and appoint.

Every Conſtable, in their reſpective Paroches, ſhall apprehend any ſuſpicious perſons, who are night walkers, and cannot give a good account of themſelves, and carry them to the next Juſtices of Peace, to find Caution for their good behaviour, or otherwiſe be Commited to Priſon; and the ſaid Conſtable, or Conſtables, ſhall ſtay and arreſt all Vagabonds, ſturdy Beggars and Ægyptians, and carry them before ſome Juſtice of Peace, who ſhall take order for their committing to Priſon, or other puniſhments, according to the Statutes of Parliament.

Every Conſtable, in their reſpective Paroches, ſhall arreſt all idle perſons, whom they know to have no means to live upon, and will not betake themſelves to any Labour, Trade or Occupation; and ſhall carry them before ſome Juſtices of Peace, who after examination ſhall either commit them to Priſon, or take ſurety of them for their appearance at the next Quarter Seſſion.

All Conſtables in their reſpective Paroches, ſhall apprehend every perſon or perſons, that ſhall be guilty and cuplaple of Slaughter, Murther, Theft or any other culpable crime whatſoever, and ſhall requi re his Neighbours to aſſiſt for ſa.e conveying of ſuch perſon ro perſons, oı the next Juſtice of Peace who ſhall commit him or them, to take Surety according to the Inſtructions given to the Juſtice of Peace in ſuch like cafes, And if any perſon or perſons, ſhall refuſe or delay to aſſiſt the ſaid Conſtables, in executing his or their offices, ſuch perſons, for refuſing or delaying, ſhall be impriſoned, or otherwiſe puniſhed by the ſaid Juſtices at their Seſſions.

All Conſtables ſhall arreſt any perſon not being in His *Majeſties* ſervice, who ſhall be found wearing of Hagbuts, Guns or Piſtols in any ſort, and ſhall carry them before ſome Juſtice of Peace, who is either to take ſecurity for their appearance the next Quarter Seſſion, or commit them priſoners till they do the ſame, unleſſe they be Licenced from the Council, or ſome impowered from them to give ſuch Licences.

Upon the appearance of any Fray or Stir betwixt parties, the Conſtable ſhall require the aſſiſtance of his Neighbours, for ſundering of the parties; and if there be any harm done to the Conſtable, or or any of the Aſſiſtance, by them who made the Fray, they ſhall be puniſhed by the Juſtices at the next Seſſion.

When any perſon or perſons, have made a Fray, and then flee to an houſe; The Conſtable or Conſtables may follow to the houſe, to open the doors; which if he or ſhe ſhall refuſe, he ſhall take notice of the Maſter or Keeper of the houſe, and require witneſſes thereon; and albeit the Delinquent ſhall flee further, without the bounds of the Conſtables charge, yet may the Conſtable follow and apprehend him in a freſh purſute, and crave concurrence of the Countrey for that effect.

The Conſtables in every Paroch, ſhall execute all ſuch Precepts and Warrands as they ſhall from time to time receive from the Juſtics of the Peace.

And that the ſaids Conſtables may have ſatisfaction for their travels and pains, Our Soveraign Lord, with advice foreſaid, Ordains the ſaids Juſtices to give up particular Notes in writ, to the Auditors of *His Majeſties* Exchequer, of the Fines in-brought to them, that out thereof, ſuch meaſure and ſatisfaction may be appointed and given to the ſaids Conſtables; and alſo to the Clerks of the Peace as may recompence their travels; wherein if it ſhall be found, that the ſaids Fines ſhall not be ſufficient, the ſaids Lords of His Highneſs Chequer, ſhall appoint ſuch further ſatisfaction to them, as in their diſcretion they ſhall think their labours and diligence do deſerve, and cauſe them be paid

of

of the ſame. And notwitſtanding of this above-written Act, and all the particulars foreſaids, contained in the ſame, Our Soveraign Lord, with advice and conſent of His ſaids Eſtates, Statutes Decerns and Declares, That the erection of the ſaids Commiſſioners and Juſtices of Peace, and grant of Juriſdiction and Priviledges to them, and the making or approbation of the particular Acts above-written, introduced in their favours, or any thing therein contained, ſhall not be in any ſort derogatory or prejudicial to the Rights, Priviledges and Liberties, granted and beſtowed by His *Majeſty* or His Highneſs Royal Predeceſſors of before, to any of His *Majeſties* Subjects, of whatſoever eſtate or quality from the higheſt to the loweſt: But Declares, that the ſaids Rights, Priviledges and Liberties ſhall remain in their own integrity, ſafe, intire, unhurt or unprejudged by the Premiſſes, or any thing expreſt in the ſaids Articles and every one of them, and are holden as eſpecially reſerved and excepted out of the ſame.

And leaſt this above-written Reſervation, ſhould ſeem altogether to deſtroy the power granted to the ſaids Juſtices, or ſhould beget controverſie betwixt them and any other having right and liberty of Juriſdiction as ſaid is, Our Soveraign Lord, with advice foreſaid, for removing of all queſtion, which may ariſe betwixt them thereanent, Declares, That it ſhall not be lawfull nor permitted to the ſaids Juſtices, to make any Citation of Parties before their Courts, till the expiring of the ſpace of fifteen dayes after the Committing of the Fact for the which the Committer is to be conveened: At the compleat out-running of the which ſpace, if any having Power and Juriſdiction as ſaid is, hath omitted and neglected to uſe and exerce the Priviledge and Liberty of their Right and Power; it ſhall then be lawfull to the ſaids Juſtices to make Citation, and to Proceed againſt the Parties, according to the Power and Authority given to them by His Highneſs, with advice foreſaid and conform to the particular Articles above-written in all points, and no otherwayes.

If any Party complain to a Conſtable that he is threatned by another, then ſhall the Conſtable apprehend the Threatner and carry him with the party Complainer before the next Juſtice of Peace, and if he refuſe to go, then ſhall he carry him to Priſon.

Which all and ſundry the premiſſes, Our Soveraign Lotd, with advice and conſent foreſaid, Ratifies and Approves in all points, in manner as the ſame proports. And gives unto them the ſtrength and force of Acts and Ordinances of Parliament, and Ordains execution to paſs upon the ſame as effeirs.

XXXIX.

Act for the Fiſhings, and Erecting of Companies for Promoving of the ſame.

OUr Soveraign Lord, conſidering the beſt and readieſt means for improving the benefit and advantages which properly belong unto Him, by the Fiſhes which are, or may be taken within the Seas, Channels, Firths and Lochs, adjacent and ſurrounding this His ancient Kingdom. And perceiving the ſame may be of great advantage many wayes, eſpecially in that the ſame Trade will not only be a Nurſery for Sea-faring men, and a ſpeedy occaſion of building Ships for His *Majeſties* and His Subjects uſe, both in Peace and War; But likewiſe will ſet many poor and idle perſons a work, and furniſh the materials of a great native Export, for the continual enriching of His *Majeſties* Kingdoms by a ſure foundation of Trade and Commerce. For which ends, and that the ſaid Trade of Fiſhing may be the more effectually advanced and promoved within this His *Majeſties* ancient Kingdom, His Sacred *Majeſty*, with conſent of His Eſtates now conveened in this preſent Parliament, hath Erected, and by the tenour hereof Erects, Creats and Eſtabliſhes, particular Societies and Companies of His *Majeſties* own free born naturalized Inhabitants in *Scotland*; and of all others who ſhall be taken and inrolled in any of the ſame Companies and Societies, and admitted to the priviledges thereof, and ſhall enter themſelves in the ſaid Societies within any Shire or Burgh of this ſaid Kingdom, one or moe, betwixt and the day of as the firſt modern Societies and Companies to the effect after-ſpecified, Conſtituting and Creating ſuch perſons who ſhall enter themſelves, and their Succeſſors, in a Body and Incorporation politick, to exerce the Trade under-written. And Ordains that none be accepted therein, except he who ſhall enter the ſum of five hundred merks *Scots*, at leaſt, of Stock, in the ſaid Society. And Wils and Grants, that whoſoever are of the foreſaid Societies or Companies to be Conſtitute, their Heirs or Aſſignes, ſhall enjoy the yearly benefit of the Stock to be given by them, in all time after the in-giving thereof; but to have no power to uplift the Stock, except by conſent of the Company or Council thereof after-ſpecified. Granting and Committing, likeas His *Majeſty*, by the tenour hereof, Gives, Grants and Commits. to the ſaids Companies and Societies ſo to be Conſtitute, and to all ſuch whom they or their Succeſſors ſhall admit or receive therein, full power to take and fiſh, Herring and White-fiſh, in all and ſundery Seas, Channels Firths, Rivers, Floods, Lakes, and Lochs of this His *Majeſties* ſaid ancient Kingdom of *Scotland*, and Iſles thereunto belonging whereſoever Herring or White-fiſh, are, or may be taken and to bring in and disburthen the ſaids Herring and other White-fiſhes, to all and ſundry Ports, Harbours, Shoars; & to lay the ſame on the Land, & to pickle them with Salt, and to dry, and load the ſame in Barrels and Puncheons; and for conſervation of the ſaids Herring and Fiſhes, to build Houſes and little Cottages, and other things neceſſary for the uſe of the ſaid Fiſhing-trade, in whatſoever places ſhall be convenient, upon the payment of the allowance underwritten, unto the Lord or Maſter of the ground; or otherwiſe, to ſell, vie and diſpoſe upon the ſaids Herrings and other

fiſhes

Fishes, to the Inhabitants, to keep and conserve the same in their Ships and Boats, and to make and prepare them therein, and to carry and transport the same to forraign parts beyond Seas, in Ships and other Vessels belonging to them, or His *Majesties* other Subjects; and to sell, use and dispose thereupon, to such who shall be in friendship and amity with His *Majesty* and His Successors. With power also to the saids Companies and Societies *respective*, to elect and make choice of such of their own number as they shall think fit, for making and framing of Laws, Statutes and Rules, for the right regulating, managing and carrying on of the said Trade of Fishing (the saids Laws being alwayes approven and allowed by the Council of Trade) and to punish transgressors accordingly. And that none be admitted to be Councellors of the saids Societies, except such who shall enter of Stock the Sum of one thousand merks money foresaid, and that they be *Scots-men*, or naturalized Strangers, and Residenters within the said Kingdom. And to the which Council, so to be Nominate and Constitute, the said Companies *respective* shall submit, and to all their Acts, Statutes and Rules, especially, but prejudice of the generality foresaid, to the particular Rules under-written. To wit; First, That none after the erecting and setling of the said Company or Society, may enter or come in but by consent of the Company or the Council thereof, after the said day of next, except they be appointed to be inrolled and taken in by the Council of Trade, to whom any person, in case of exclusion, may make his Address. Secondly, That the return from Forraign places upon the Stock, may be all sold in free Burghs and to free Burgesses within this Kingdom, by the saids Companies or any of them or their Factors, without any previous offer to the Burgh; providing they do not retail by selling less quantities nor five Tun of Wine, or the equivalent in value in other Commodities; and if the Import and Return shall be of less quantities, then and in that case these Commodities shall only be sold in whole sale, without any retail whatsoever. Thirdly, That no Herring or White-fish taken by *Scots-men* in the said Kingdom or Isles thereto belonging, be sold, fresh or salt, to any but to Natives, except by the Companies *respective*: And that no Stranger unnaturalized, shall have any liberty to make and prepare Herrings or White-fish upon the Land, or to make Booths for that effect, under the pain of confiscation of what shall be seized upon, and the double thereof to be exacted of the Seller, except they be free of one of the Companies foresaid. With power also to the said Council, to use and have a Seal and Gage for ilk Company *respective*, wherewith all their Barrels or Puncheons may be marked, and that ilk Barrel of green fish contain twelve gallons, which is to be the ordinar Gage betwixt Buyer and Seller. And also to make use of, and imploy, all and sundry Tolbooths and Warding-houses, where necessity requires, for holding of Courts, warding or punishing of transgressors, the Burghs being alwayes free of the charges of the Prisoners; and further, to depute such of their number as they think fit concerning all businesses and affairs, and to cognosce and determine in all questions and debates relating to the said Trade of Fishing; and to cause execute such Decreets and Sentences as shall be pronounced thereupon: and for that effect, to make choice of Officers and Servants, and to administer Oaths to them, and amongst themselves, for the good of the Trade; and if need be, with power to the said Council, to design certain Judges under them in convenient places, to administer Justice in the matter of the Trade of Fishing allanerly. And Our Soveraign Lord, being most *willing* to cherish and encourage the foresaids Societies and Companies, in the said Trade, Hath out of His Innate Beneficence and Royal Bounty, Ordained, and by the tenour hereof Decerns and Ordains, that Salt, Cordage, Hemp, Cork, Pitch, Tar, Clapboard, Knaple, Skew-hoops, and Holland Nets, imported for the Trade of Fishing foresaid, by the foresaids Companies *respective*, is, and shall be, free of any Custome or other Imposition whatsoever; and that the Herring and White-fish taken, made or prepared therewith, are and shall be free of any manner of Taxation or burden in the exportation of the same. And also, that all Strangers Fishers, who shall repair to this His *Majesties* ancient Kingdom, and will come and make their residence within the same, shall be naturalized by His *Majesty*, upon the desire and application of any of the saids Councils, and shall be entered Burgesses in any City where they shall reside, and shall be free of all manner of taxation, for the space of seven years next after their arrival. And further His *Majesty* hath Released and Discharged, and by the tenor hereof *simpliciter* Releases and Discharges, the Teind Herring and Teind Fish, of all such Herring and Fish, which shall be taken by the Boats and Fishers of the saids Companies *respective*, or such who shall be hired by them, in all time hereafter. And also, Exoners and Discharges the Excise Herring due to His *Majesty* (except the Herring of *Dumbar*) for all the dayes, space, years and terms of nine years, next after the date hereof. And in like-manner, His *Majesty* Declares, That all Ale, Beer, Strong-waters, and other provisions for out-reeking of any Vessel for the saids Fishings of the said Companies, is, and shall be, free of all manner of Impositions whatsoever, Commanding hereby the Lords and Masters of the ground, in all places through the said Kingdom where there is Loch or other Fishings, not only to protect, maintain and defend the said Company and Society, and all Masters of Ships, Fishers and others whatsoever, going about the said Trade, and belonging to the respective Companies of Fishing, from all harm, trouble or dammage whatsoever, or else to satisfie and refound their losse and dammage which they shall sustain upon their Land: but also, that they, nor none of them, presume nor take upon hand, to exact or

or levy, any more from the ſaids Fiſhers, Merchants, or their Servants, belonging to the ſaids Companies, for Ground-leave, but only twelve ſhillings *Scots* for every Laſt; and that in full ſatisfaction of the Saturdayes fiſhing, or any manner of Dues whatſoever. And for the greater encouragement of Merchant-fiſhers, Maſters of Ships and other Veſſels, and their Servants, to attend the ſaid Trade of Fiſhing; His *Majeſty*, by His Soveraign Authority and Prerogative Royal, not only by theſe preſents Declares the Ships, Boats and other Veſſels, with their Furniture, provided for, and in exerciſe of, the ſaid Trade of Fiſhing, no wayes to be Arreſtable by any Creditor, but that the ſame and thoſe that ſhall ſerve therein, ſhall not be preſſed to any publick ſervice, without His *Majeſties* particular Command. And that the Fiſhers, Maſters and Servants, in the ſaids Veſſels, and makers of Herring and White-fiſh, during the whole time of the ſaid Fiſhing, and their imployment therein, ſhall be free from all Actions, and no wayes conveenable before any Judge or Judicatory whatſoever for any cauſe or cauſes Civil, which may be intended againſt them; But alſo by the tenour hereof, Declares the ſaids Fiſhers, Maſters and their Servants above-written, ſhall be free of all Captions, Arreſtments or other Attachments on their perſons, or againſt their Materials and Inſtruments of Fiſhing, during the time and ſeaſon of Fiſhing, they being actually ſerving therein allanerly. And further, that none who ſhall be upon the Council, or any of the Societies of Trade foreſaid, ſhall be lyable to Seſs, Stents or Taxations, for what Stock they have entered or ſhall enter in the ſaids Companies or Societies *reſpective*, or for the benefit and profit arifing thereby in time coming. And it is hereby Declared, that it ſhall be licent to any of the Council or Societies of the ſaid Trade of Fiſhing *reſpective*, for the good thereof, to dwell and reſide in any part or place of this ſaid Kingdom, albeit they be Burgeſſes in any Burgh Royal, and not thereby loſs their freedom, notwithſtanding of any Act or Acts in the contrair. And in like-manner it is hereby Declared, that no perſon or perſons ſhall have liberty to export Herring or Fiſh, nor uſe or have the Priviledges, Liberties and Immunities above-written, but thoſe that ſhall enter themſelves and be free in one or other of the ſaids Companies and Societies. And finally, it is hereby Statute and Ordained, that thoſe in the ſeveral Shires and Burghs of this Kingdom, who ſhall enter in the ſaids Companies and Societies, conform to the tenour of this preſent Act, ſhall give an account thereof to the Parliament, or His *Majeſties* Council of Trade for the time within atter the erection thereof, that the ſame may be Recorded *ad futuram rei memoriam.*

XL.

Act for Erecting of Manufacturies.

OUr Soveraign Lord, conſidering how many great advantages this Kingdom, and the Subjects thereof, may have by the Erecting, Cheriſhing and Maintaining of Manufacturies, thereby keeping in the Countrey great ſums of money, daily exported for bringing in ſuch Commodities as may be made at home, and bringing in money for ſuch Commodities as may be made and wrought within the ſame, and exported to Forraign Nations; beſides that thereby many Poor people and Idle perſons and Vagabonds, will be ſet at work and entertained, whereby vertue will be increaſed and idleſet curbed and reſtrained. And that upon this account, and for this end, ſeveral Acts have been paſt by His *Majeſties* Royal Predeceſſors, in their Parliaments, Conventions and Councils; and eſpecially the one hundred and thirteenth Act of the ſeventh Parliament, and the two hundred and fifty, and two hundred fifty two Acts of the fifteenth Parliament of King *James* the ſixth, and Acts of Council in the years one thouſand ſix hundred, one thouſand ſix hundred and one, one thouſand ſix hundred and twelve, one thouſand ſix hundred and fourteen, one thouſand ſix hundred and ſixteen, one thouſand ſix hundred and twenty, one thouſand ſix hundred and twenty three, and Acts of Convention, one thouſand ſix hundred twenty five, and one thouſand ſix hundred twenty ſix years. And His *Majeſty*, being reſolved to proſecute what hath been formerly intended, and to give ſuch new encouragements as is neceſſary for advancing of Manufacturies; Hath therefore thought fit, with advice and conſent of His Eſtates of Parliament, hereby to grant to all ſuch perſons as have or ſhall undertake to ſet up any Manufacturies, the Priviledges following, *viz.* If any Stranger ſhall come, or be brought into this Kingdom by Natives, to ſet up Work, and teach his Art in making Cloath, Stuffs, Stockings, Soap, or any other kinde of Manufactury, he ſhall enjoy the benefit of the Law, and all other Priviledges that a Native doth enjoy; with power to erect Manufacturies either in Burgh or Landwart as they ſhall think fit, and there to dwell and exerciſe their Trade without any ſtop or trouble.

And

And for their further encouragment, Declares, all Oyl, Dying-ſtuffs, Forraign Wool, Pot-Aſhes or any other materials whatſoever uſefull for Manufacturies, that ſhall be imported, to be free of Cuſtom, Exciſe and other publick Dues; and that all Cloath, Stuffs, Stockings or any other Commodity to be made and exported by them, be free of Cuſtom and Exciſe, for nineteen years after *January*, one thouſand ſix hundred and ſixty two years. And if any Stock ſhall be employed for erecting or entertaining of any Manufacturies of any kind, the ſame is to be free of all publick and private Taxes whatſoever. Likeas all Cuſtomers, Collectors, Farmerers of Cuſtoms or Exiſe, and others, are hereby diſcharged to demand any Cuſtom, Exciſe, or any other Impoſition whatſoever, for ſuch Materials before mentioned and belonging to Manufacturies, as they will be anſwerable. And in regard of the great prejudice to the Kingdom by Exportation of Wool, and Skins with Wool upon them, and of other Native Commodities and Materials fit for Manufacturies; Therefore His *Majeſty*, with advice foreſaid, Doth hereby Diſcharge all and every perſon whatſoever, Native or Stranger, to Export out of this Kingdon any Wool, or Skins with Wool upon them, or Skins of any kind, or any Materials uſefull for Manufacturies, until they be made in work, or put to the beſt avail for the good of the Kingdom; Certifying ſuch as do in the contrair, they ſhall foreſeit ſuch Wool, Skins and other Materials, or the juſt value thereof, the one half to His *Majeſty*, and the other half to the Informer, who ſhall diſcover, apprehend, and proſecute the ſame before His *Majeſties* Exchequer, beſides that the perſons and eſtates of ſuch Contraveeners, ſhall be lyable to ſuch puniſhment and fine for the ſame, as His *Majeſties* Exchequer ſhall appoint. And alſo His *Majeſty*, with advice foreſaid, Diſcharges all Regraters and Foreſtallers of Marcats of Wool, and that no Merchant nor perſon whatſoever, buy and keep up Wool to a dearth, but that they bring the ſame to be ſold in open Mercats, under the pains contained in the Acts of Parliament made againſt Regraters and Forſtallers. And in regard there is much deceit by wrapping up of Wool in the Fleece, by putting ſtones, Sand, and other inſufficient ſtuff in the ſame, It is hereby Declared, that all ſuch Wool ſhall be confiſcat, the one half to His *Majeſties* uſe, and the other half to the uſe of thoſe who ſhall apprehend, diſcover, and purſue the ſame. Likeas His *Majeſty*, for the further incouragement of the ſaids Manufacturies, Doth with advice foreſaid, Diſcharge all Quartering, or Levying of Souldiers upon Manufacturies, or the Maſters thereof; and that no perſon whatſoever entiſe, reſſet, or entertain any of the Servants or Apprentices of the Manufacturies, without conſent of their Maſter, under the Pains contained in the Acts of Parliament againſt Coal-hughers, Salters, and their Reſſetters. And for the further improving of the ſaids Manufacturies, His *Majeſty*, with conſent foreſaid, Doth hereby Impower the Maſters, Erectors, or Entertainers of Manufacturies, to meet by themſelves for making of Ordinances for the good and advancement of their Trade, for the right ordering of their Servants, and for the ſufficiency of their Stuffs, Cloath and others; and chuſe one of the moſt expert of their number for viſiting of their work, that a Mark or Seal may be put upon it, diſtinguiſhing what is ſufficient and what not. And becauſe many things may occur hereafter, which may be neceſſary for advancement of Manufacturies; Therefore His *Majeſty*, with conſent foreſaid, Doth Impower the Lords of His *Majeſties* Privy Councill or Exchequer, or ſuch as ſhall be appointed by His *Majeſty*, during this preſent Parliament, or thereafter, to conſider ſuch Overtures as ſhall be offered for the good of Manufacturies; and to make ſuch Orders, and grant ſuch further Liberties and Priviledges to them as they ſhall think juſt. It is alwayes Declared, that it ſhall be free and lawful to His *Majeſties* Treaſurer and Commiſſioners of Exchequer, as they ſhall find cauſe, to grant licence for exporting of Wool and Skins, any thing in this Act to the contrary notwithſtanding.

XLI.

Act for Planting and incloſing of Ground.

OUr Soveraign Lord, conſidering how many laudable Laws have been made, by His *Majeſties* Royall Progenitors, for Parking and Incloſing of Ground, and Planting of Wood, and for preſerving of the ſame: and finding the great prejudice have followed upon the not dew obſervance of ſo notable and neceſſar Laws. And how expedient, fit and neceſſar it will be, for the good of this His *Majeſties* ancient Kingdom, eſpecially for Shipping and Building, that Timber be Planted; and how advantagious it is for the increaſe of Corns and Cattel, and the ſowing of Lint and Hemp for Manufacturies, that Parking and Incloſings be made. Doth therefore with conſent and advice of His Eſtates of Parliament, Revive the ninth Act of the fourth Parliament of King *James* the firſt, of Bleſſed memory, Entituled, *An Act for Planting of Woods, Forreſts and Orchards*, and all other Acts made for that effect, by His *Majeſty* or any other His Royal Predeceſſors; and Ordains the ſame to be put to execution in time comming, conform to the Tenor thereof, in all points; with this addition. Likeas His *Majeſty* with advice of His ſaids Eſtates of Parliament, Doth hereby Statute and Ordain, that every Heritor, Liferenter, and Wodſetter (according to the qualifications under-

under-written) within His ſaid ancient Kingdom of *Scotland*, with one thouſand pounds of yearly valued Rent, ſhall incloſe four Aikers of Land yearly at leaſt, and plant the ſame about with Trees of Oak, Elme, Aſh, Plain, Sauch or other Timber, at three yards diſtance. And that all other Heritors of greater or leſſe Rent nor the ſaid ſum of one thouſand pounds money foreſaid, do Plant, Incloſe and Ditch yearly, moe or fewer Aikers, according to their reſpective Rents, for the ſpace of ten years next enſuing; and that of ſuch Lands as the Heritors ſhall think moſt fit for Planting and capable for Incloſing, to be alſo Planted, Ditched or Incloſed in manner foreſaid; and that the ſaids Heritors begin to Plant, Ditch, and Incloſe, the ſaid ground at the feaſt of *Michaelmeſſe* next to come, and uphold the ſame in time comming. And for the further incouragement of the ſaids Heritors, Wodſetters and Liferenters, to go about the ready obſervance of the ſaid Act, liberty and power is granted to them, at the ſight of the Sheriffs, Stewarts, Lords of Regalities, Barrons, and Juſtices of Peace in their reſpective bounds, to caſt about the High-wayes to their conveniency, providing they do not remove them above two hundred ells upon their whole ground; Excepting alwayes herefrom, Burrough and incorporate Aikers, which are no wayes to be Parked or Incloſed, unleſſe the Heritors thereof ſhall think it meet and expedient, And where there are Liferenters upon Lands, It is hereby Declared, that the ſame ſhall be done upon the equal charges and expences of the Liferenter and Heritor. And in caſe of Proper Wodſets, It is alſo hereby ſpecially Declared, that the ſame ſhall be done by the Wodſetter, and the charges thereof is and ſhall be added to the reverſion, and no wayes redeemable, while they make paiment thereof, as well as of the ſums for which the Lands are Wodſet. And for the better incouragement of Heritors, and for preſerving of the ſaid Planting and Incloſures, It is Statute and Ordained, that whoſoever ſhall cut or break any of the ſaids Trees, (not being the Heritors themſelves) ſhall pay unto the Heritors or perſons wronged, twenty pounds for every Tree: or if he be not able to pay the ſaid twenty pounds, it ſhall be in the power of the party thereby wronged, to make him work ſix weeks, giving him meat and drink allanerly. And further it is Ordained, that whoſoever ſhall break down the Hedges or Dikes of the ſaids Parks or Incloſures, or be found within the ſame, being a ſtranger, ſhall be holden and repute a breaker down thereof, and pay five pounds for every fault; or if he be not able to pay the ſaid five pounds, to work ten dayes to the owner of the ſaids grounds, for meat and drink as ſaid is. And for the greater encouragement of all perſons, who ſhall be vertuouſly enclined to Ditch Incloſe or plant their ground, in manner foreſaid, His *Majeſty*, with conſent above ſpecified, hath Declared, and by thir preſents Declares ſuch parts and portions of their ſaid ground, as ſhall be ſo Incloſed and Planted, to be free of all manner of Land-ſtents, Taxations or Impoſitions, of whatſoever nature, or Quarterings of Horſe in the ſaids Incloſures, for the ſpace of ninteen years, next after the date hereof; and that at the proportioning of the ſaids Burthens, the ſame incloſures ſhall be exempted and made free thereof accordingly And alſo for the better preſerving of the ſaids Incloſures, and of the Trees and Planting to be ſet about the ſame, It is Statute and Ordained, that ilk Heritor, Tennant and Cottar, keep their Cattel and Goods, out of their neighbours Incloſures at all times, that their Trees, Planting and Ditching, be no wayes Damnified or prejudged, under the penalty of five pounds for ilk contravention, *toties quoties*, to be paid to the party damnified. And further Statutes and Ordains, That where Incloſures fall to be upon the border of any perſons Inheritance, the next adjacent Heritor ſhall be at equal pains and charges in Building, Ditching and Planting that Dike which parteth their Inheritance. And Recommends to all Lords, Sheriffs and Baylies of Regalities, Stewarts or Stewartries, and Juſtices of Peace, Baylies of Burroughs, and other Judges whatſoever, to ſee this Act put in execution, and to grant Proceſſe at the inſtance of the Parties damnified and prejudged, and to ſee them repaired, after the form and tenor of this Act above-written, in all points.

XLII.

Act Eſtabliſhing Companies, and Societies for making Linnen-cloath, Stuffs, &c.

OUr Soveraign Lord, conſidering that all the laudable Laws and Statutes, made by His *Majeſties* Anceſtors, anent Manufacturies, for enriching of His *Majeſties* ancient Kingdom, putting of Poor children, Idle perſons and Vagabonds to work for the maintenance and relief of the Countrey of the burthen of ſuch unprofitable perſons, have been hitherto rendred in-effectual; And that many good ſpirits, having aimed at the publick good, have for want of ſufficient ſtocks, council and aſſiſtance, been cruſhed by ſuch undertakings, Do conceive it neceſſar, to Creat and Erect Companies and Societies for Manufacturies, that what was above the capacity of ſingle perſons, may be carried on by the joynt aſſiſtance, council and means of many. And therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Doth Eſtabliſh particular Societies and Companies, in the perſons of ſuch as ſhall enter themſelves in the ſaids Societies within any Shire or Burgh, one

or moe of this Kingdom; and after their deceaſe, in the perſons of their Succeſſors, (it being alwayes Declared hereby, that not any of them ſhall be repreſented but by one perſon allanerly) or any other who ſhall lift and enter themſelves therein, betwixt and the day of at the firſt modern Societies and Companies for making of Linnen-cloath, Worſtead Stockings, Searges Baiſes Sayes, Cottons, Sempeternums, Caſtilians, Perpetuanaes, and all all other Woollen Stuffs and Cloath; and for their incouragement, and the good of His Highneſs Kingdom; His *Majeſty*, with advice and conſent foreſaid, Prohibits and Diſcharges any of His *Majeſties* Lieges, to carry and tranſport into *Spain*, *Portugal*, *Riſcay*, *Ruſſia*, *France*, or any place beyond Seas, any Linnen-Cloath, Baiſes, Sayes, Cottons, Sempiternums, Caſtilians, Perpetuanaes, or any other Woollen Stuffs or Cloaths, except they be free, and of one of the Societies aforeſaid. And it is hereby Declared, that all Materials imported for the uſe of the ſaids Manufacturies, and that all the ſaids Stuffs or Cloaths, exported by the ſaid Company, ſhall be free of all Cuſtoms, Exciſe. or any other Impoſition whatſoever, for the ſpace of nineteen years after the day of all other Merchants not free in one or other of the ſaids Companies, paying the uſuall Cuſtoms, Exciſe, or any other Impoſitions, for any of the ſaids Commodities Exported by them. As alſo His *Majeſty*, with advice foreſaid, for the good and incouragement of theſe who ſhall enter themſelves in the ſaids Companies, Doth diſcharge the ſaids Companies *reſpective*, where ever the ſame ſhall be erected, to receive any within the ſame, except theſe who ſhall contribute and bring in, to make up a Stock to the ſaids Manufacturies, the ſum of five hundred merks *Scots*, and doth grant liberty to the ſaids Members of the ſaids Societies *reſpective*, to chooſe and elect a certain number of their own Incorporation and Society, to be a Council for making of Laws, for their better regulating and ordering of the ſaid Company and Manufactury, and things belonging thereto; providing alwayes, that no perſon elected have leſs of Stock, in the ſaid Company or Society, nor one thouſand merks *Scots* money. And that this Pious, Charitable and profitable Deſign, may be no longer fruſtrate, nor poor Children, Vagabonds or Idle perſons, continue to be burdenſome to their Countrey; It is Statute and Ordained, that there be in each Paroch, one or moe perſons provided and appointed, upon the charges and expences of the Heritors thereof, for inſtructing of the poor Children, Vagabonds and other Idlers, to ſpin and mix Wool, ſpin Worſtead, and knit Stockins. And for the more ſpeedy perfecting of the laudable Deſign and Policy ſo much aimed at by His *Majeſties* Royal Predeceſſors, and now proſecute by His *Majeſty* in His prudence, and condeſcending care for the meaneſt of His Subjects, It is Statute and Ordained, that within moneths after the diſſolving of this preſent Parliament, the Commiſſioners of Shires do conveen the whole Heritors within their reſpective Shires, for electing of ſome of the Heritors within each Paroch, to ſee this preſent Act made effectual, and perſons appointed for inſtructing of the Children and others foreſaid, to ſpin and mix Wool, knit Stockins, and ſpin Worſtead, and to ſee a maintenance ſetled in every paroch upon the ſaids Inſtructers: And within the ſpace of next after the ſaid firſt meeting, that they convocat the perſons elected, within the ſeveral Paroches of the reſpective Shires, to take an account of them and of their care and diligence in the matters aforeſaid; and in caſe they ſhall be found to have failed, that the ſaids Commiſſioners now attending this preſent Parliament, do ſee this preſent Act put in execution after the time aforeſaid, in all the ſaid Paroches where the ſaids perſons elected ſhall be found to have been deficient; and Ordains Magiſtrates of Burghs to be carefull that the ſame be made effectual within their Burghs and Liberties. And in caſe all or any of the ſaids Commiſſioners or Magiſtrates aforeſaid, do fail herein after the foreſaid time, His *Majeſty*, with advice and conſent of the Eſtates aforeſaid, Doth commit the care hereof to the Lords of His *Majeſties* Secret Council, that the Laws may be no longer fruſtrate, nor the Kingdom burdened with Idle perſons, Vagabonds or poor Children. And that Manufacturies may be promoved, and for the encourageing of skilful Artizans to come from abroad, for training up the perſons foreſaids, and working for the uſe of the ſaids Companies, It is hereby Declared, that all ſuch as ſhall be brought home and imployed for the ſaids Companies, ſhall be free to ſet up and work in Burghs and Landwart where the Companies ſhall think fit, without paying any thing whatſoever to any perſon or perſons, under whatſoever colour or pretext for their Freedom; and ſhall be free of Taxes and publick Burdens or Exactions during their lifetime; notwithſtanding of any Law, Statute, Priviledge or Indulgence, made or granted in the contrair by His *Majeſty* or any of His Predeceſſors, in favours of any Commitee, or Incorporation whatſoever, which are all hereby Caſſed, Reſcinded, and Declared void and null, in ſo far as they may be conceived to derogate from the Priviledges and Immunities granted by this preſent Act, in favours of Tradeſ-men, Natives or Srangers, belonging to, or brought home by, the ſaids Companies, for working in the ſaids Manufacturies. And to the end that the foreſaids Stuffs and Cloaths may be more uſeful at home, and have the better vent abroad, His *Majeſty*, with advice foreſaid, doth Prohibit and Diſcharge any Weaver belonging to the ſaids Companies or private Tradeſ-men, to make any Searges under the breadth of an ell and a nail; Perpetuanaes and Sempiternums, under the breadth of three quarters and a half, nor no Woolen cloath under an ell and a half broad; under the pain of twenty pounds, to be paid by the Weaver thereof, and the ſaids Stuffs and Cloaths, to be confiſcat, the one half

hall to His *Majeſties* uſe, and the other half to the uſe of the diſcoverers thereof. Further, His *Majeſty*, with advice foreſaid, for encouragement of theſe who ſhall enter into the ſaids Companies or Manufacturies, Doth grant to ilk one of the ſaids Companies all the Priviledges and Immunities that are, or ſhall be hereafter by the Kings *Majeſty* indulged to the Companies or Societies of Fiſhers, as if the ſame were herein expreſt. Whereanent, His *Majeſty*, with conſent foreſaid, hath diſpenſed, and hereby diſpenſes for ever.

XLIII.

Act diſcharging the exportation of Linnen-yarn, and regulating the breadth of Linnen-cloath, &c.

OUr Soveraign Lord, conceiving it neceſſary for the good and wel-being of His *Majeſties* Subjects, to project and indeavour the improvement of all the Native Commodities of this His *Majeſties* ancient Kingdom, and to make Laws and Ordinances, for eviting and preventing of all fraud and deceit uſed heretofore, in making Sale of the ſaids Commodities; And conſidering that it would tend more to the advantage of His *Majeſties* Subjects, and promoving of Manufacturies, to reſtrain the liberty that Merchants have taken to export Linnen-yarn, then ſuffer them to carry the ſame unto other places and Kingdoms. Therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Diſcharges any Merchant or others whatſoever, to tranſport out of this Kingdom any Linnen-yarn, under the pain of Confiſcation of the ſame, the one half to His *Majeſties* uſe, and the other half to the uſe of the Attacher and Apprehender of the ſaid Yarn; and Statutes and Ordains that all Yarn be ſold by weight, and that no Reel be made uſe of within this Kingdom, under the meaſure and length of ten quarters, and that under the pain of Confiſcation of any Yarn brought to the Mercat of a ſhorter Reel, the one half to His *Majeſties* uſe, and the other half to the uſe of the Delaters and Apprehenders of the ſaid Yarn. As alſo, His *Majeſty* conſidering, that Linnen-cloath is one of the moſt uſefull Commodities of the product of this Kingdom, whereby much money in ancient times was brought home; And that now, to the great prejudice of the ſaid Commodity, the ſame is brought in contempt abroad, and become hardly vendible, through the deceitfull Making, evil Bleetching, and unequal Breadth thereof; Therefore His *Majeſty*, with advice and conſent of the ſaids Eſtates, doth Diſcharge and Prohibit all Weavers to make any Linnen-cloath, of the price of ten ſhillings *Scots* the ell, or above, under the breadth of an ell and two inches, after the firſt day of *November* next to come, under the pain to be impriſoned, for the ſpace of fourteen dayes, and of twenty pounds *Scots* to be paid for each fault, to Magiſtrates of Burghs, Sheriffs of Shires, Lords of Regalities, and Barrons within their reſpective bounds, and of the Confiſcation of the ſame, to the uſe of the Attachers and Diſcoverers thereof; and Statutes that all Linnen-cloath be taken up by Selvage, and not by the Rigg, and ſo to be preſented to the Mercat; and that all Linnen-cloath be Bleetched without Lime, under the pain of twenty pounds for each fault, to be paid to the Magiſtrates foreſaid, within their reſpective bounds. And laſtly, it is hereby Declared that all Flax and Linnen-yarn Imported, and all Linnen-cloath Exported, by ſuch as ſhal enter into the Companies and Manufacturies for making of Linnen-cloath, ſhall be free of all Cuſtom, and all other Impoſition, for the ſpace of fifteen years after the ſaids Manufacturies ſhall be eſtabliſhed in the perſons of ſuch as ſhall enter themſelves in the ſaid Companies, betwixt and the firſt day of *January* next, conform to another Ordinance of Parliament for eſtabliſhing the ſaids Companies.

XLIV.

Act for encouraging of Shipping and Navigation.

OUr Soveraign Lord, conſidering that the Wealth, Safety and Strength of this Kingdom, are very much concerned, in the increaſe of Shipping, and incouragement of Trade and Navigation; both which are much decayed, if not wholly ruined, by the late unhappy Wars, and the ſaid effects that have followed thereupon. And perceiving the preſent low condition of Trade, and the ſmall number of Ships and Sea-men within this Kingdom, Hath thought expedient, out of His Princely zeal for the publick good, with advice and conſent of His Eſtates of Parliament now preſently conveened, to Statute and Ordain, and by theſe preſents Statutes and Ordains, that from and after the [redacted] day of [redacted] and thence forward, no Goods nor Commodities whatſoever, that are of Forraign growth, Product or Manufacture, which are to be brought into *Scotland*, or any of the Iſles thereto belonging, ſhall be ſhipped or brought from any other place or places, Countrey or Countries but only from thoſe places where the ſaids Commodities do grow, are produced or made, or from the Ports where the ſaids Goods and Commodities commonly are, or uſually have been

been, first shipped for Transportation, and from no other place or Countrey; and in no other Ships or Vessels, but such as do truly and only belong to His said Kingdom; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same; or at least in such Ships and Vessels, as do truly and only belong unto, and are of the build of, these Kingdoms or Countries where the saids Commodities do grow, are made or produced; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same. All which is to be verified and attested, under the Seal of the City or place from whence they come, and Oath of the parties to whom the said Ships or Vessels do belong, under the pain of Confiscation of all such Goods as shall be Imported from any other place or Countrey, or in any other Ship or Vessel, contrair to the true intent and meaning of this Act; As also of the Ship in which they shall happen to be imported, with all her Guns, Furniture, Tackle, Ammunition and Apparelling, the one half to His *Majesty*, and the other half to the use of those who shall discover the Contraveeners of this present Act, and pursue for the same before the Lords of His *Majesties* Exchequer. And further it is Statute and Ordained by His *Majesty*, with advice and consent foresaid, that all Goods or Commodities whatsoever, produced or shipped, as is above expreſt, which from and after the said day, and thence forward, shall be Imported into this Kingdom, or any Islands thereto belonging, in any Ships or Vessels, that shall not truly and only belong to the Natives and Inhabitants thereof (except in English or Irish Vessels, providing alwayes that *Scots* Vessels, enjoy the like benfit of Trade within the Kingdoms and Dominions of *England* and *Ireland*, and no otherwayes) shall be lyable to double Custome, and pay accordingly, whether the said Goods pertain to Natives or Aliens. And further it is Statute and Ordained, that from and after the said day, and thence forward, all Goods and Commodities whatsoever, belonging to Aliens, Exported or Imported in whatsoever Ships or Vessels, whether Forraign or Scottish, shall be lyable to double Custome and pay accordingly. And it is further Statute and Ordained, that from and after the said day, and thence forward, all Goods or Commodities whatsoever, Exported, in any other Ships or Vessels, then such as do truly and only belong to the Natives and Inhabitants of this Kingdom, shall be lyable to double Custom and pay accordingly, whether the saids Goods appertain to Natives or Aliens. And it is further Enacted and Ordained by His *Majesty*, with advice and consent foresaid, that at and after the said day, and thence forward, all Ships and Vessels belonging to this Kingdom, shall be Navigated only by *Scots-men*, dwelling in *Scotland*, at least the Master and three fourth parts of the same being such, under the pain of being esteemed Forraign Vessels, and paying double Custom, for all the Goods and Commodities, Imported or Exported within the same. And for preventing of all fraud, which may be used in the buying of Forraign Ships, It is Statute and Ordained by His *Majesty*, with consent foresaid, that from, and after, the said day, no Ship whatsoever shall be deemed, or pass as a Ship belonging to *Scotland*, or enjoy the benefit of such a Ship or Vessel, untill such time that he or they, claiming the same to be theirs, shall make appear to the chief Officer or Officers of the Customs at *Lieth*, he or they residing in any place betwixt *Berwick* and *Stirling* on the South side of *Forth*, and to the chief Officer or Officers at *Burntisland*, he or they residing in any place betwixt *Stirling* and *Fife-ness* upon the North-side of *Forth*, and in case of their abode in more remote places, to the Officer or Officers of the Port next to the place of his or their abode, that they or he are not Strangers, and shall have taken an Oath before such Officer or Officers, who are hereby authorized to administer the same, that such Ship or Vessel was *bona fide*, and without fraud, bought by him or them, for a valuable consideration, expressing the Sum, Time, Place and Persons, from whom it was bought, and who are his Partners (if he any have) All which Partners shall be lyable to take the said Oath before the chief Officer or Officers of the Customs *respective*, as said is; and that no Forraigner, directly nor indirectly, hath any part, interest or share therein; and that upon such Oaths, he or they shall receive a Certificat under the Hand or Seal of the said chief Officer or Officers of the Port next the abode of the persons so making Oath, whereby such a Ship may for the future passe, and be deemed as a Ship belonging to the said Port, and injoy the Priviledge of such a Ship or Vessel; and the said Officer or Officers, shall keep a Register of all such Certificats, as he or they shall so give, and return a Duplicat thereof to the chief Officers of the Customs at *Lieth*, for such as shall be granted in all the other Ports of this Kingdom, together with the names of the person or persons, from whom such Ships were bought, and the sum of money which was paid for the same; as also the names of all such persons as are Partners, if any such be. And it is further Enacted by His *Majesty*, with consent foresaid, that if any Officer of the Customs, shall from and after the said day, allow to any Forraign Ship or Vessel, the priviledges due to a *Scots* Ship, till such Certificat be by them produced, or such Proof and Oath taken before them, or such as they shall appoint to receive the same, and to examine whether the Master and three fourth parts of the Mariners at least be Natives and Inhabitants within this Kingdom; that for the first offence, such Officer or Officers shall be put out of their Offices or Places. And it is further Statute and Ordained, that no

Merchant

Merchants belonging to this Kingdom, ſhall imploy any Alien, or perſon not born within this Nation or naturalized, or made a free Denizen thereof, from and after the ſaid day, as Factor in any place beyond Seas, for the uſe and account of the Merchants of this Kingdom, under pain of a pecuniary Mulct, to be paid by him, or them that ſhall imploy him: which ſum ſhall be impoſed at the diſcretion of the Council of Trade, the one half thereof to His *Majeſty* and Succeſſors, and the other half to him or them that ſhall inform and purſue for the ſame. It is alwayes hereby provided that this Act, not any Clauſe therein contained, extend not to, or be meaned to reſtrain or prohibit the Importation of any of the Commodities of *Aſia*, *Africa*, or *America*; as alſo of the Commodities of *Muſco* and *Italy*, from ſuch Ports and places, and in ſuch Ships and Veſſels, as may be gotten moſt conveniently, until ſuch time as the Merchants of this Kingdom, have actual Trade to theſe reſpective places; and that the ſame be prohibited by Act of Parliament, Privy Council, or Council of Trade. It is hereby Declared, That it ſhall be lawful to import any ſort of Corns, in time of dearth, from any place or places, in any Ship or Veſſel whatſoever, without being lyable to Confiſcation, double Cuſtom, or any other Penalty contained in this preſent Act; the dearth and neceſſity of import being alwayes cognoſced and declared, by a publick Act of the Privy Council, or Council of Trade.

XLV.

Act diſcharging the Exportation of Skins, Hides, &c.

THe Kings *Majeſty*, conſidering how neceſſar it is, that all former Laws for improving of Native Commodities be Revived; and underſtanding that the Deacons and remnant Tradeſ-men of the Skinners, have upon their own charges, brought from Forraign places, Perſumers, Makers and Preparers of Leather, by whoſe pains and Art, the Kingdom may be furniſhed with Gloves at eaſier Rates, and be able to furniſh other Nations abroad with Made-work; Doth therefore with advice and conſent of the Eſtates of Parliament, Ratifie and Approve the hundred ſeventy eight Act of the thirteenth Parliament of King *James* the ſixth of bleſſed memory, diſcharging the Exportation of Skins and others therein contained; and Ordains the ſame to be put to execution, conform to the tenor thereof in all points. And alſo conſidering how uſeful Goat-skins, Hart, Deer, and other wilde Beaſts Skins might be, if they were prepared and improven by Skinners within the Kingdom; His *Majeſty* doth therefore with advice foreſaid, Diſcharge all Merchants, Tradeſ-men and others, to Tranſport any Calf-skin, Kid-Skin, Hudderon, or Shorling-skins, or any Goat-skins, Hart, Buck, Deer, or any other wilde Beaſts Skins forth of the Kingdom under pain of Confiſcation of the ſame. And for the further encouragement of the Skinner-trade and Manufactury, Licence is hereby given to Export Gloves made within the Kingdom, free of all Cuſtom and Exciſe, for the ſpace of ninteen years after the date hereof; reſerving alwayes to the Lord-Treaſurer and Commiſſioners of Exchequer, to give Licences for Exporting of Skins, as they ſhall find cauſe, after one year from the date hereof.

XLVI.

Act diſcharging Exportation of Wollen-yarn, Worſtead, broken Copper and Pewter, &c.

THe Kings *Majeſty*, conſidering the great prejudice this Kingdom and Manufacturies do receive by the Export of Worſtead, Wollen-yarn, Raw and Unwaked-cloath and Stuffs; and the diſcouragement that Tradeſ-men and Artiſts have by the Export of broken Copper, Braſs and Pewter; Doth therefore, with advice and conſent of His Eſtates of Parliament, Diſcharge all *M*erchants, Tradeſmen, and others whatſoever, as well Strangers as Natives, upon any colour or pretext whatſoever, to Export forth of this Kingdom any Worſtead, Woollen yarn, *R*aw or Unwaked-cloaths and Stuffs whatſoever, made within the ſame, (Plaiding excepted) or any broken Copper, Braſs or Pewter, under the pain of Confiſcation of what of any of the particulars above-written ſhall be apprehended in the Exporting; the one half to be applyed for His *Majeſties* uſe, and the other half for the uſe of the apprehender and purſuer of the ſame.

XLVII.

Act discharging Tradesmen to Import Made work.

THe Kings *Majesty*, considering the great discouragement given to Manufacturies and Trades, by Tradesmen's bringing home from Forraign places, such Commodities as may be made within the Kingdom, by these of the same Trade; Doth therefore, with advice and consent of the Estates of Parliament, Inhibit and Discharge all Tradesmen and Mechanicks, to Import from Forraign parts any Made-work belonging to that Trade or Calling whereof they are Freemen; or to vend the same, or any such Ware brought home by Merchants, in their Shops or otherwayes, under the pain of Confiscation, the one half to His *Majesties* use, and the other to the apprehender or pursuer of the same.

XLVIII.

Act for encouraging of Soap-works.

THe Kings most Excellent *Majesty*, considering the great advantage this His ancient Kingdom hath had, and may have by erecting and keeping up of Soap-works, whereby the Eastern Trade and Green-land Fishing will be much helped, by Importing of Pot-ashes and other Materials; and money brought into the Kingdom, by the Exported Soap made within the same; And His *Majesty* being sensible of the prejudice this Kingdom hath suffered during these troubles, by the decay of these works, and being willing to give all due encouragements to the same for the future; Doth therefore, with advice and consent of the Estates of Parliament, Declare all Oyl, Pot-ashes, and other Materials of any kinde whatsoever, to be Imported for the use of Soap-works or making of Soap, and all Soap made within the Countrey, to be free of all Custom and Excise, and all other publick or private Dues whatsoever; and also that all Soap, so made and Exported, shall be free for the space of ninteen years after the setting up of these works, and after the date hereof, for such works as are already set up; and discharges all Customers, Collectors or Fermerers of Excise or Custom, and all others whatsoever to demand Custom, Excise or other Duty, for any Oyl, Pot-ashes, Tallow, or other Materials Imported for making of Soap, or use of Soap-works allanerly, or for Soap made within the Kingdom, and exported as said is.

XLIX.

Act Reducing the Annuals to six for the Hundred.

THe Kings *Majesty*, with advice and consent of the Estates of Parliament, Hath thought fit upon diverse good considerations, to Reduce, Likeas hereby they do Reduce, the Annualrents of all money within this Kingdom, to six for the Hundred yearly, in all time coming. And Declares the said six for the Hundred to be free of all Retention, or other publick Burdens whatsoever.

L.

Act and Offer of Twelve thousand pounds Sterling *to the Lords of Session.*

FOrasmuch as among the many and unparallel'd blessings, wherewith it hath pleased the Almighty GOD to visit these Kingdoms, in the return of His *Majesty* to the exercise of His Royal Government, it is the greatest happinesse of this Kingdom, that the ordinary Judicatories, the fountains and seats of Justice, are by His *Majesty* established, according to their ancient and well grounded Constitutions; And the Estates of Parliament considering, how much it doth import the advancement of His *Majesties* service, the honour of the Kingdom, and the good of the Subjects, that the Senators of the Colledge of Justice (who are the Supream Judges under His *Majesty*, in all civil Causes) should be provided to a competent allowance, towards their charge and expenses, in their attendance on this their publick Administration. And understanding, that by the calling down of the Annualrents from ten to six of the hundred; and by the disability of some Debitors, and by laying aside the twentieth penny of Sentence-silver, (which is conceived to be an unequal burden and grievance to such as must sute the benefit of the Law, and so are lyable thereto, before they can have repetition

tition of it, or recovery of their juſt Debts) the preſent yearly allowance to each of them will not exceed one hundred pounds Sterling; which being ſo mean, and unſuteable to the honour and reputation of that imployment, and to equity and Juſtice, as to the perſons called by His *Majeſty* to ſerve therein; Therefore the Eſtates of Parliament have thought fit to grant, Likeas they do hereby make a free offer and grant of a Taxation of twelve thouſand pounds Sterling, towards the making up of a Stock, whereof the Annualrent is to be imployed for the uſe aforeſaid, and to be paid by the Shires and Burghs of the Kingdom; the one half thereof in the moneth of *November* next to come, and the other half in the moneth of *May* thereafter, in the year one thouſand ſix hundred and ſixty two years, and to be raiſed in the ſame manner, the preſent or laſt Impoſitions are, and have been paid. And in order thereunto, The Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, Doth hereby Statute and Ordain, the ſaid ſum of twelve thouſand pounds Sterling, to be paid by the Shires and Burghs of the Kingdom, in manner for the uſe aforeſaid, the one half thereof in the moneth of *November*, and the other half in the moneth of *May* next to come; and that the ſame be brought in and delivered to any, whom the Senators of the College of Juſtice ſhall appoint to receive the ſame; and whoſe diſcharge upon the receipt thereof, in whole or in part, ſhall accordingly be a ſufficient exoneration to the Shires and Burghs, and all others whom it effeirs. And the ſaids moneths of *November* and *May reſpective*, being paſt, Ordains Letters of Horning and Poynding, and all other Execution neceſſar to be directed at his or their inſtances, againſt the Shires or Burghs of the Kingdom and their Collectors: And twenty dayes being expired, after either of the ſaids moneths *reſpective*, Ordains Quartering to be upon deficient Shires, and Burghs; and that all who command the Forces within the Kingdom, gives orders, and be aſſiſting hereunto accordingly.

LI.

Act concerning Arreſtments.

OUr Soveraign Lord, conſidering the great charges that Creditors are put to, by Compriſing of ſums owing to their Debitors, by vertue of Heritable Bonds, Contracts and other Writs bearing paiment of Annualrents: which in reſpect of the Obliegment for Annualrents, were not in former times Arreſtable. Therefore the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, Findes and Declares, that all ſums of money which are addebted by Bonds, Contracts and other perſonal Obliegments, whereupon no Infeftments have followed, are, and ſhall be Arreſtable at the inſtance of any Creditor, notwithſtanding that the Bonds, Contracts and other Obliegments bear paiment of Annualrents. And the Kings *Majeſty*, with advice and conſent foreſaid, Declares that this ſhall no wayes change the nature of the ſaids Sums, nor prejudge the Heir nor any other perſon their rights to the ſame as being Heritable, which are hereby Declared to remain in their own nature unchanged by this Act *pro ut de jure*, except that only the ſame are Arreſtable. And it is hereby expreſly provided, that all Arreſtments and Executions thereof, ſince the twenty ninth day of *July*, one thouſand ſix hundred and fourty four years, uſed conform to the tenor of this Act, ſhall be as valid and ſufficient, as if this preſent Act had been of the ſaid date; But prejudice alwayes to the Creditors to Compriſe the ſaids Heritable Sums, if they ſhall chooſe rather to Compriſe then to Arreſt.

LII.

Act concerning the diſpoſal of Vacand Stipends.

FOraſmuch as by divers Acts, it is found that Stipends and Benefices of Vacand Kirks, or which thereafter ſhould vaik by Deceaſe, Depoſition, Suſpenſion, Tranſportation of Miniſters, Diſ-union of Kirks, or any other way, ſhould, during the Vacancy thereof, be imployed on pious uſes; and the Kings *Majeſty* conſidering, that during theſe troubles, many Learned and Religious perſons in the Miniſtry and Univerſities, for their expreſſions of duty and loyalty to His *Majeſty*, or not concuring in the confuſions of the time, have been Depoſed, or Suſpended from their Charge and Miniſtry, and have been otherwayes put under great ſufferings, and they and their Families redacted to extream miſery and want. And conceiving it to be an Act of great Piety and Juſtice, to have regard to the ſufferings of theſe honeſt and faithfull Miniſters and others, and in ſome meaſure to provide for them, and repair their loſſes; Therefore His *Majeſty*, with advice of His Eſtates of Parliament, Ordains all Stipends or Benefices of Kirks that are Vacand, and not already diſpoſed of, or which ſhall vaik by Deceaſe, Depoſition, Suſpenſion, Tranſportation, or any

any other wayes to be imployed for the ſupply and maintenance, and towards the reperation of the ſufferings and loſſes of the perſons aforeſaids, and of the Wives and Bairns of ſuch of them as are dead; and that in ſuch manner and wayes as after tryal of their merits and ſufferings, and the cauſes and grounds thereof, ſhall be thought fit by the Lords of His *Majeſties* privy Council, to whom His *Majeſty*, with advice and conſent foreſaid, commits the care of this buſineſs; And doth hereby impower and require them to uſe all diligence, that the favour and Juſtice hereby intended by His *Majeſty* to theſe ſuffering Perſons and their Families, may be made effectual; and that notwithſtanding of any thing contained in any of the ſaids Acts to the contrair. It is alwayes provided, that this Act is without prejudice of any benefit, which by the Law and Cuſtom of this Kingdom, falls to the Relict, Bairns or Executors of a Miniſter after his deceaſe; and that this Act is to endure for the ſpace of ſeven years, and longer as His *Majeſty* ſhall think fit.

LIII.

Act ratifying the Act of Parliament 1633. *anent the Annexation of His* Majeſties *Property*, &c.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, Ratifies and Approves, and for His Highneſſe, and His Succeſſors, perpetually Confirms, the tenth Act of the firſt Parliament of His *Majeſties* Royal Father of bleſſed memory, King *Charles* the firſt, holden at *Edinburgh*, in *Anno* one thouſand ſix hundred and thirty three, Intituled *An Act anent the Annexation of His* Majeſties *Property*, in the whole Heads and Clauſes thereof, eſpecially that Clauſe of the ſame whereby His *Majeſty* and the Eſtates of Parliament then conveened, did Declare the right and title of Superiotity, of all and ſundry Lands, Barronies, Milns, Woods, Fiſhings, Towers, Fortalices, Mannor-places, and pertinents thereof, pertaining to whatſoever Abbacies, Prioreſſes, Preceptories, and whatſoever other Benefices, of whoſoever Eſtate, Degree, Title, Name or Deſignation the ſame were of, Erected in temporal Lordſhips, Barronies or Livings, before or after the general Act of Annexation of Kirk-lands made in the moneth of *July* one thouſand five hundred eighty and ſeven, together with the whole Few-mails, Few-fermes and other Rents and Duties of the ſaids Superiorities to be annexed, and to remain with the Crown for ever, upon the reſervation of the Lords and Titulars of Erection therein ſpecified: Likeas thereby His *Majeſty* and Eſtates foreſaid, Found and Declared, that all Titulars of Errection without exception, ſhould hold their property and proper Lands of the Kings *Majeſty* and His Succeſſors in Few-ferm, for paiment of the Few-ferm-duties, contained in the Infeftments, granted to them before the ſaid Act of Annexation, and no otherwayes. And that all Rights and Deeds, made and granted to whatſoever perſon or perſons, preceeding the date of the foreſaid Act, which might prejudge His *Majeſty* and His Succeſſors, in the peaceable injoying of the ſaid Superiorities and Few-ferm-duties, ſhould be null and of no avail, by way of Action, exception or reply. And further His *Majeſty* with advice and conſent foreſaids, of new Declares, the foreſaid Superiorities of all and whatſoever Kirk-lands, Milns, Woods, Fiſhings and whole pertinents of the ſame, pertaining of before to whatſoever Chapters, Priors, Prioreſſes, Preceptors, and whatſoever other Benefices of whatſoever other Eſtate, Degree, Title, or Deſignation they be of, whereof the preſentation belonged to His *Majeſty* and His Highneſſe Predeceſſors, erected in temporal Lordſhips, Barronies and Livings, to pertain to His *Majeſty* and His Highneſſe Crown, therewith to remain all time comming. And alſo Declares all and whatſoever Grants, Rights or Infeftments, of any of the ſaids Superiorities of the Lands and others pertaining to whatſoever Chapters, Priors, Prioreſſes, Preceptors, Abbacies, and whatſoever other Benefices of whatſoever Eſtate, Degree, Title, Name or Deſignation the ſame were of, with all Warrands, Tacks, Commiſſions, Bailleries or Deputations for entering of the Vaſſals thereto, made and granted by His *Majeſty* or His ſaid Umquhile deareſt Father in any time by-gone ſince the Surrender in *Anno* one thouſand ſix huudred twenty ſeven, or to be made in time comming with all other Gifts and Donations of the ſaids Few-duties formerly belonging to the ſaids Lords of Erection, and made by His *Majeſties* ſaid Umquhile deareſt Father after the Surrender, and before the Redemption thereof from the ſaids Lords, and all heritable and irredeemable Rights granted by His *Majeſties* ſaid Umquhile deareſt Father after the redemption whereby the Profits Caſualities & Emoluments of the Superiority of the ſaid Kirk-lands, may be conferrd to any other perſon, except the proper Vaſſals thereof, directly or indirectly, of whatſoever Name, Title or Deſignation they be of, & of all Gifts of new Regalities or Juriſdiction, to be null by way of exception or reply: Reſerving alwayes to theſe perſons, who have right to the Few-duties, the right and Title thereto. And reſerving to *John* Earl of *Lauderdale*, His *Majeſties* Sole Secretary for the Kingdom of *Scotland*, a Signatur ſuperſcribed by His *Majeſty* at His Court of *Whitehal*, the twenty fifth day of *May* laſt by paſt, and paſt in His *Majeſties* Exchequer, of all and whole the Lordſhip, Barrony and Regality of *Muſſelburgh*, containing a new gift of Union and Erection of the ſame, in a free Lordſhip, Barrony, and Regality; and diſcharges the Treaſurer Principal and Depute, Commiſſioners of the Treaſurary and remnant Lords

Lords of Exchequer, Writers to, and Keepers of the Seals, from all paſſing or expeding any ſuch new Grants, Rights, Infeftments, Tacks, Warrands, Commiſſions, Bailieries, or Deputations for entring of Vaſſals, except allanerly ſuch Infeftments and Signaturs, as ſhall be granted to the Lords and others, who had formerly right to the ſaids Erections and Superiorities, whereby they might have right to claim the Few-fermes and Few-duties addebted by the Vaſſals and others ſubject in payment thereof, allanerly, ay and while they be ſatisfied therefore, in manner ſpecified in the fourteenth Act of his Majeſties ſaid umquhile deareſt Father His firſt Parliament, and with the whole remanent exceptions and reſervations, contained in the ſaids Acts, made in *anno* one thouſand, ſix hundred, and thirty three, which are holden as repeated and expreſt herein. It is alwayes Declared, that notwithſtanding of this Act, any who have gotten or ſhall get any new Infeftment of Superioritie of Kirk-lands, the ſame ſhall ſtand good, as to ſuch Vaſſals who have given their conſents to the ſaid right of Superioritie: In regard that ſuch a conſent, as to His Majeſtie, is of the nature of a Reſignation of their propertie, in favours of the ſaid Superior, to be holden of the King. But prejudice nevertheleſſe to His Majeſtie, of His Highneſſe Right of Reverſion of the Few-ferm, Few-duties and Caſualities, conforme to the foreſaid Act of Parliament, one thouſand, ſix hundred, and thirty three.

LIV.

Act in favours of Laick Patrons, of Proveſtries, Prebendries, Chaplanaries and Alterages.

OUR SOVERAIGNE LORD, with advice and conſent of His Eſtates of parliament, Ratifies and Approves the Act of Parliament, made by King *James* the ſixt, His Majeſties Grand-Father of eternal memorie, Parliament firſt, *Chap.* twelfth, *Anent Proveſtries, Prebendries, Alterages, Chaplanries*, and *Collegiat* Kirks, pertaining to laick Patrons, together with the Act of Parliament twelfth *Chap.* one hundred and fifty eight, Ratifying the ſame; and Ordaines the ſaids Acts to have full force and effect in all time coming; with this Declaration alwayes, That in reſpect the Vaſſals which held Lands of the ſaids Proveſts, Prebendars, and others foreſaids, are put to a great uncertainty of their Superiors, it not being known to them who are provided to the ſaids Proveſtries, Prebendaries, Chaplanries, Alterages, and others foreſaids, by reaſon there is no publick Regiſter, to the which they may have recourſe for knowledge and notice thereof, and that the moſt that they can know by any Regiſter, is the Infeftments and Seizings, made to thoſe who are laick Patrons holding of His Majeſtie. Therefore, for ſecuring of the Vaſſals, who hold Lands, Milnes, Fiſhings, Tenements, Annual-rents or others whatſoever, of the ſaids Proveſtries, Prebendaries, Collegiat Kirks, or of Chaplanries, Alterages, and others of that nature, at any time of before; It is Statute and Ordained, that the entry of the ſaids Vaſſals by Retour, Precept of *Clare conſtat*, Reſignation, Compriſing or otherwayes whatſoever, ſhall pertain to the laick-Patrons and their ſucceſſors, who ſtand infeft in the ſaid laick-Patronages, holding immediatly of His Majeſtie; and that the entry of the Vaſſals by them, ſhall be as valid and ſufficient to the ſaids Vaſſals, receivers thereof, as if they were entred by the Titulars of the ſaids Proveſtries, Prebendries, Alterages, Chaplanries, and others foreſaids. And that the ſaids laick-Patrons, ſhall be in all time coming in their place, as Superior to the ſaids Vaſſals. and to have the ſame power to give Infeftments to His Majeſties Subjects, upon Retour or by precept of *Clare conſtat*, or by Reſignation, Compriſing, or any manner of way, with Gifts *De novo damus*; and that without conſent of perſons provided, or to be provided, to the ſaids Proveſtries and prebendaries of Collegiat Kirks, Alterages, Chaplanries, or other Titulars of Collegiat Kirks; and alſo without conſent of the Chapter or Convent of the ſaids prebendaries thereof, or moſt part of the ſame, which of before was in uſe and cuſtom. Whereanent, and anent all Acts in the contrair, His Majeſtie, with conſent foreſaid, diſpences for ever, Reſerving alwayes to the Titulars of the ſaids Proveſtries, Prebendaries, Alterages, Chaplanries, and others foreſaids, the Fruits, Rents and Emoluments of the ſaids Proveſtries, Prebendaries, and others foreſaids, which are no wayes prejudged by this preſent Act. It is hereby further Statute and Ordained, with advice and conſent foreſaid, where there are any Prebendaries, Chaplanries, Alterages, or other foundations of that nature above-mentioned, founded, and ſituated within any Burgh Royal of this Kingdom, that the Proveſt, Baillies and Council of that Burgh, where the ſame are founded, are and ſhall be in all time coming, only undoubted Superiors, by whom and by no others, the Vaſſals and Tennants ſhall enter in manner above-ſpecified; the ſaids Proveſt, Baillies, and Council having been formerly Patrons of theſe Chaplanries.

LV.

Act anent Cocquets and Entries of Ships.

OUR SOVERAIGNE LORD, underſtanding there are divers abuſes commited by the Cuſtomers and Receivers of entries of Ships, and by the keepers of the Cocquet, in ſometime, exacting from Maſters of Ships, greater ſums of money then is due to them, and ſometimes abſenting themſelves,

ſelves, to the great prejudice of the Merchants eſtate, and to the hazard of the loſs of their voyage. Therefore Our Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Ordains that there be no greater price exacted, for entring their Ships and Goods, then the ſume of twentie three ſhillings four pennies; and for the ſaid Cocquet, then the ſume of fourty ſhillings; and that the keepers of the ſaid Cocquet, attend by themſelves or their ſervants, diligently and readily to anſwer and give out Cocquets to all Merchants and Maſters of Ships, under pain of loſing their place, whenſoever they ſhall be found either to exact more then the ſaid ſum above-written, or ſhall occaſion to the ſaids Merchants and Maſters more delay nor is needful for writting of the ſame.

LVI.

Act anent Coal-hewers.

OUR SOVERAIGNE LORD, with advice and conſent of His Eſtates of Parliament, Ratifies he eleventh Act of the eighteenth Parliament of King JAMES the ſixth, of worhie memorie, made anent Coal-hewers and Salters, with this addition, That becauſe Water-men who laves and draws Water in the Coal heugh-head, and Gateſ-men, who work the wayes and paſſages in the ſaids Hewghs, are as neceſſar to the Owners and Maſters of the ſaids Coal-heughs, as the Coal-hewers and Bearers. It is therefore Statute and Ordained by Our Soveraigne Lord, with advice and conſent foreſaid, That no perſon ſhall hire nor ſeduce any Water-men, Windſ-men and Gateſ-men, withour a Teſtimonial of the Maſter whom they ſerve, under the pains contained in the former Acts in all points. And becauſe it is found by experience, that the giving of great Fees, hath been a mean and way to ſeduce and bring Coal-hewers from their Maſters, It is Therefore alſo Statute and Ordained, That it ſhall not be lawful for any Coal-Maſters in this Kingdom, to give any greater Fee then the ſum of twentie merks in Fee or Bounteth, under any colour or pretext: and becauſe the ſaids Coal-hewers and Salters, and other work-men in Coal-hewghs within this Kingdom, doly from their work at *Paſch*, *Zule*, *Whitſonday*, and certain other times in the yeare; which times they imploy in Drinking and Debauchry, to the great offence of God, and prejudice of their Maſters; It is Therefore Statute and Ordained, that the ſaids Coal-hewers and Salters, and other Work-men in Coal-heughs of this Kingdom, work all the ſix dayes of the week, except the time of Chriſtmaſſe, under the paine of twenty ſhillings *Scots*, to be paid to their Maſter; for ilk dayes failzie (by and attour the prejudice ſuſtained by their ſaids Maſters) and other puiſhment of their bodies.

LVII.

ACT diſcharging the Cuſtom of two and a halfe of the Hundred, and the Impoſt of four pounds on the Tun.

OUR SOVERAIGNE LORD, conſidering that the prices of all Merchandice do dayly riſe to exceeding great dearth, which is alleaged to be occaſioned through extraordinary Cuſtoms and Impoſitions. For remedy whereof, His Majeſtie, with advice and conſent of His Eſtates of Parliament Doth diſcharge all and ſundrie whatſoever Cuſtoms and Impoſitions exacted by the Cuſtomers, which are not allowed by the Acts of Parliament, and eſpecially the late Cuſtom of two and an half *per cent*, and the late new Impoſition of four pounds upon the Tun of Wine, aud all raiſings of His Majeſties Cuſtoms, directly or indirectly, without conſent of Parliament. And becauſe that the too much troubling of Merchants, and drawing of Maſters and Mariners from their ordinary charges, doth much impede the Trade; Therefore His Majeſtie, with advice and conſent foreſaid, diſcharges the taking of Merchants, Maſters and Mariners Oaths in the matter of Cuſtoms. And to the end, that the Subject of Trade may not be reſtrained with unneceſſary Cuſtoms, His Majeſtie, with advice and conſent foreſaid, Declares, That all Goods and Merchandice, Imported from Forraign places to this Kingdome and out of the ſame, paying Inward-cuſtom, ſhall be free of all Outward-cuſtom, according as is uſed in *England* and *Ireland*. Like-as His *Majeſty* Declares, that He conſented to the Act above-written upon this condition, that Commiſſion and Warrand b. granted to the Exchequer, to eſtabliſh the Book of Rates, acccording as the prices of Merchandice now rules; and His *Majeſtie* permitted the option to the Burroughs, whereupon the Burroughs having adviſed, they made choice to be ruled by the Book of Rates anent the Cuſtoms; and conſented, that Commiſſion ſhould be granted to the Exchequer to eſtabliſh the Book of Rates, according as the prices of Merchandice now rules. In reſpect whereof; Our Soveraigne Lord, Ordains a Commiſſion to be drawn up to the Exchequer to the effect foreſaid, and extracted thereupon, for eſtabliſhing the Book of Rates according as the prices of Merchandice now rules: And Therefore Our Soveraigne Lord, with advice and conſent foreſaid, Ordains the Act above mentioned to ſtand as a Law, in manner and to the effect above-rehearſed.

LVIII.

Act in Favours of theſe who get their Ward-holding changed by the Kings Majeſtie.

THe Eſtates of Parliament having taken to conſideration, that ſome difficulty hath occurred in the proſecution of his Majeſties Royal Fathers intention of changing of Ward-holdings in Few, for the well of his Subjects, conform to the two Commiſſions, granted by His ſaid Majeſtie thereanent; under the Great Seal of this Kingdom: And that the ſaid difficulty hath riſen upon this ground, that diverſe of His Majeſties Subjects, holding Lands of His Majeſtie or of the Prince, ward, or Few *Cum maritagio*, holds alſo other Lands of other Superiors, Ward; who whilſt their Vaſſals held Lands Ward, or Few *Cum maritagio*, of His Majeſtie or of the Prince, could pretend no right to the Mariage of the Vaſſals Heir; when the ſame ſhall be changed in Few, and Compoſition and a yearly Few-duty being granted to His Majeſtie or the Prince for the ſaid Ward and Mariage, the other Superiors of the ſaids Vaſſals, of whom he holds Ward, may contend for the benefit of the caſuality of the Marriage of His Vaſſals Heir, when the ſame falls out, he being the Vaſſals eldeſt Superior of whom he holds Ward; which was grievous to the Vaſſals, who by this new courſe of changing of his holding, hath componed both for Ward and Marriage. Therefore It is Statute and Ordained, by the Kings Majeſtie, with advice and conſent of His Eſtates of Parliament, that all Vaſſals, holding Ward of his Majeſtie or the Prince, or holding Few *Cum maritagio*, who ſhall hereafter compone and agree with the Commiſſioners to be appointed by His Majeſtie, for changing of their Holdings, from Ward to Few, or for renunciation of the Marriage, contained in their Few-infeftments, their Heirs and Succeſſors in the ſaids Lands, ſhall be free of the Marriage that can be acclaimed by their Superiors of the Lands holden by them of their ſaids other Superiors, Ward; and that the ſaids other Superiors, ſhall have no right to the Marriage of their Heirs, when the ſame falls out, no more then they would have had, if the Lands holden Ward of his Majeſtie or the Prince, had continued ſtill Ward: but that the ſaids Vaſſals, whoſe holding ſhall be changed, or who ſhall compone for their Marriage, as ſaid is, their Heirs and Succeſſors, ſhall enjoy their Lands in all time thereafter, free of any ſuch burden of Marriage: Providing alwaies, Like-as it is hereby Provided and Declared, that if the foreſaids Vaſſals whoſe Holding ſhall be changed as ſaid is, and who ſhall compone for the renunciation of the Marriage contained in their Few-infeftments, or their Heirs or Succeſſors in the ſaids Lands which once held Ward, or Few *Cum maritagio*, ſhall alienate and diſpone the ſaids Lands to any other perſons; then and in that caſe, the Aliener, or his Heirs ſhall no longer have the benefite of this preſent Act; but that notwithſtanding of this preſent Act, if they hold Lands Ward of any other Superior, that their Superior ſhall enjoy all the benefit of his Superioritie, as if this preſent Act had never been made. And ſuchlike, for the greater furtherance of His Majeſties Lieges, in the way of the changing of the tenours of the ſaids Ward-holdings, or renuncing of the Marriage contained in their ſaids Few-infeftments, Our Soveraigne Lord, with advice and conſent foreſaid, Ordains Signaturs to be paſt to the Lieges by the Exchequer, on the recommendation of the ſaids Commiſſioners of the Ward-lands in their favours, upon the Lieges their Reſignation for new Infeftments to be granted to them; bearing the new manner of Few-holding, or bearing the renunciation of the ſaid Marriage contained in their old Few-infeftments, as ſhal be Ordained by the ſaids Commiſſioners of the Ward-lands.

LIX.

Act anent the Exchequer.

THe Kings Majeſtie, conſidering that ſome doubts and debates may ariſe, concerning the meaning of the eighteenth Act of the Parliament, holden by his Majeſties Royal Father of bleſſed memorie, in the year one thouſand, ſix hundred, and thirty three, *Anent the deciding & Judging in Cauſes concerning His Majeſties propertie*; Doth for explanation thereof, with advice and conſent of His Eſtates of Parliament, Find, Declare, Statute and Ordaine that the validity and invalidity of Infeftments of His Majeſties Property, or of any other Infeftments, may not be diſcuſſed nor decided in the Exchequer, neither by way of Exception, Action nor Reply; but that the diſcuſſing and deciſion thereof, is only proper to the Lords of Seſſion; Reſerving alwaies to the Exchequer to judge in all other buſſineſſes concerning His Majeſties Rents and Caſualities, as they might have done before the yeare one thouſand, ſix hundred, and thirty three.

LX.

Act concerning Docqueting of Signaturs.

THe Kings *Majeſtie*, with advice and conſent of His Eſtates of Parliament, Doth Ratifie and Renew the twentieth Act of the tenth Parliament of King *James* the ſixth, of bleſſed memory, and accordingly Statutes and Ordains, that no Signaturs, Writs, Letters or Warrands ſhall be preſented to be ſigned by His *Majeſtie*, but by His ordinary Officers, to whoſe charge the ſame properly belongs. And that His Majeſtie may the better know what paſſeth under His Hand, and upon what grounds He ſigns the ſame, It is appointed, That any of His Majeſties Officers, who ſhall preſent any Signature, Writ, Letter or Warrand to be ſigned by His Majeſtie, ſhall cauſe Regiſtrate the Docquet of the ſame in a Regiſter, and then ſend the juſt double thereof under their hands to His Majeſties Secretary, who is to give His Majeſty timous notice of any prior Deed, differing or contrary to the ſame, that His Majeſtie may give His further Orders concerning the ſame.

LXI.

Commiſſion for Plantation of Kirks, and Valuation of Teinds.

OUr Soveraign Lord, conſidering the great care His Royal Father and Grand-father, of ever bleſſed memory, had, at all times, of the Reformed Religion, within this Kingdome, and of the Maintenance and Proviſion of the Miniſtry and Churches thereof; Concerning which, and for the publick good of the Nation, His Majeſties Royal Father did emit a declaration, immediatly after His ſucceſſion to the Crown, and concerning diverſe other particulars relating to Teinds and Superiorities of Kirk-lands: in order whereunto, diverſe Acts and Ordinances of Parliament and of Commiſſions, were from time to time made, during the Reign of His ever Glorious Father; And yet, by the unhappy Troubles of the time, His Royal purpoſe hath not got a final acompliſhment, ſo that diverſe Churches are as yet unprovided with ſufficient Maintenance, many Teinds unvalued, and diverſe other particulars are as yet unperfected; And His Majeſtie being deſirous to proſecute this good Work, for the univerſal good of the People, and namely for the incouragement of the Miniſters of the Goſpel, His Majeſty, with advice and conſent of the Eſtates of Parliament, Doth Ratifie and Approve the nineteenth Act of the Parliament holden at *Edinburgh* by His Royal Father, in *Anno* one thouſand, ſix hundred, and thirty three, Intituled, *Commiſſion for Valuation of Teinds &c.* in the whole Heads, Clauſes and Contents thereof, except in ſo far as there hath been any derogation made thereto, by Acts and Commiſſions made and granted by His Majeſtie, ſince the date of the ſaid Act, or granted by pretended Parliaments ſince and which are Ratified or Salved, or to be Reſerved by this preſent Parliament. And His Majeſtie, with advice and conſent foreſaid, doth give full power and Commiſſion to the perſons aftermentioned, *viz.* *John* Earl of *Middletoun* His *Majeſties* Commiſſioner, *William* Earle *of* *Glencairn* Lord High Chancellor, *John* Earl *of Craufurd* and *Lindſay* Lord Theſaurer, *John* Earl of *Rothes* Preſident of His Majeſties privy Council, *William* Duke of *Hammiltoun*, *James* Marqueſs of *Montroſe*, *John* Earl of *Lauderdail* His Majeſties Secretary, *William* Earl of *Mariſhal*, *John* Earl of *Athol*, *George* Earl of *Linlithgow*, *James* Earl of *Home*, *James* Earl of *Tullibarain*, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *James* Earl of *Annandale*, *William* Earl of *Dumfries*, *John* Earl of *Tweddal*, *James* Earl of *Calendar*, *John* Earl of *Dundee*, *David* Viſcount of *Stormount*, *John* Lord *Sinclair*, *David* Lord *Cardros*, *John* Lord *Belhaven*, Lord *Halkertoun*, *William* Lord *Cochran*, *William* Lord *Bellenden*, Sir *John Gilmor* of *Craigmiler* Preſident of the Seſſion, Sir *Archbald Primeroſe* of *Cheſter* Knight and Barronet, Clerk of His Majeſties Council, Regiſters and Rolls, Sir *John Fletcher* His Majeſties Advocat, Sir *Robert Murray* Juſtice Clerk, Sir *James Lockhart* of *Lee*, Sir *George Mackenzie* of *Tarbet*, Sir *James Foulis* of *Colingtoun*, Sir *Archibald Stirline* of *Carden*, Sir *James Dalrymple* of *Stair*, Sir *John Scougal* of *Whitekirk*, Senators of the Colledge of Juſtice; *Alexander Bruce* of *Kincairn*, Sir *John Vrquhert* of *Cromarty*, Sir *Robert Flecher* of *Salton*, Sir *Alexander Gibſon* of *Durie*, Sir *Robert Innes* of that ilk, *James Crighton* of St. *Leonards*, *George Kinnaird* of *Roſsie* Sir *Gilbert Ramſay* of *Balmayn*, *John Murray* of *Polmais*, *William Scot* of *Ardroſe*, Sir *James Dundas* of *Arneſtoun*, Sir *John Foulis of Ravilſtoun*, *Richard Murray* of *Broughtoun*, Sir *Robert Hepburn* of *Keith*, Mr. *Robert Preſton* of that ilk, Sir *Andrew Ramaſay*, Sir *Robert Murray*; Sir *Archibald Sydſerf*, Sir *William Thomſon* and *John Miln* Burgeſſes of *Edinburgh*, Sir *Alexander Wedderburn*, & *Alexander Wedderburn* of *Dundee*, Mr. *John Paterſon* of *Perth*, *John Bell* of *Glaſgow*, *William Cunningham* of *Air*, *Andrew Glen* of *Linlithgow*, *Duncan Nairn* of *Stirline*, *Alexander Bruce* of *Culroſs*, *Andrew Carſtairs* of *St. Andrews*, and *William Seaton* of *Haddingtoun*, Burgeſſes: Or any thirteen of them, there being alwayes preſent three Noblemen, three Gentlemen, and three Burgeſſes, with His Majeſties Commiſſioner, the Lord Chancellor, Lord Theaſurer, Lord Preſident of the Council, Lord Privy Seal, the Lord Secretary, or any one of them, with power to them, or *Quorum* foreſaid, to meet and conveen at *Edinburgh*, or ſuch other place or places, at ſuch times and diets as they ſhall appoint, to value and cauſe value whatſoever Teinds great or ſmall, Parſonage or Vicarage, of whatſoever Lands and others within this Kingdom lyable to the payment of Teinds of whatſoever

ſoever nature or quality the ſame be of which are yet unvalued. Providing the Miniſters ſerving the Cure, who do lead Teinds, be ſecured of good and thankful payment of ſo much victual or money anſwerable to the worth of the ſaids Teinds, as the Teinds ſhall be valued to. And alſo with power to them to receive reports from Sub-commiſſioners, and to appoint Sub-commiſſioners conform to the former Acts and Commiſſions, to appoint conſtant and local Stipends, and grant augmentations, to diſ-joyn too large and ſpacious Kirks, build and erect new Kirks, diſ-member, annexe and unite Kirks, and to take order that every Heritor and Life-renter ſhall have the leading and buying of their own Teinds, if they be willing, according to the Rates preſcribed by former Commiſſions, namely by the foreſaid Commiſſion granted by his Majeſty, with conſent of the Eſtates of Parliament, in *Anno* one thouſand ſix hundred thirty and three. And with power to the ſaids Commiſſioners or *Quorum* foreſaid, to give recompence to Parties for the augmentation of Stipends to be impoſed by this Commiſsion in the ſame way as was done by former Commiſsions, namely by the Commiſſion in *Anno* 1617. With power to them to determine all Queſtions concerning the Prices of Teinds betwixt Titulars and others having right to the Teinds, and the Heritors: And to appoint ſuch ſecurities in favours of the Titulars and others having right, by the Heritors payers of the valued Duties or buyers of the ſaids Teinds, and in favours of the Miniſters as to their maintenance, as the ſaids Commiſsioners ſhall think fitting, according to the Rules ſet down in the ſaids former Acts, namely in the ſaid Act, in *Anno* one thouſand ſix hundred thirty and three. And ſuchlike, with power to them to appoint and provide for ſuch other pious uſes in each Paroch as the Eſtate thereof may bear. Declaring, that where the Vicarage of any Paroch is a ſeveral Benefice and Title from the Parſonage, the ſame ſhall be ſeverally valued, to the effect the Titulars or Miniſters ſerving the Cure, having right to the ſaid Vicarage, be not fruſtrate of the true worth thereof. It is alwayes Declared, That Miniſters ſerving the Cure, who now lead their Teinds, and that Colledges, Schools and Hoſpitals be not conſtrained to ſell, ſet nor diſpone their Teinds in prejudice of their Succeſſors notwithſtanding of the valuation thereof; and that Titulars and others having right to Teinds, ſhall not be forced to diſpone any Teinds valued or to be valued, which they ſhall be content and willing to aſsign and diſpon to the Miniſter ſerving the Cure of the Paroch as a part of his Proviſion. And His Majeſty, with conſent foreſaid, Declares, That where valuations are lawfully led againſt all parties having intereſt, and allowed by former Commiſsions, according to the order obſerved by them, that the ſame ſhall not be drawn in queſtion, nor rectified upon the pretence of enorm leſion, at the inſtance of the Miniſter, not being Titular; or at the inſtance of his Majeſties Advocate, for and in reſpect of his Majeſties Annuitie: Except it be proved that colluſion was uſed betwixt the Titulars and Heritor, or betwixt the Procurator-fiſcall and Heritors and Titulars; which colluſion is Declared to be where the Valuations are led with the diminution of a third of the juſt Rent, and which diminution ſhall be proved by the Parties Oaths. And albeit that all the Acts of the pretended Parliaments, in the years one thouſand ſix hundred and fourty, and one thouſand ſix hundred fourty and one, and ſince; are declared by an Act of this preſent Parliament, null and of none avail in all time comming; yet it is hereby Declared, That all and whatſoever Valuations, Acts, Sentences and Decreets, done, concluded, and decerned by vertue of any Commiſsions granted by the ſaids pretended Parliaments, with all execution uſed or to be uſed thereupon, are and ſhall ſtand valid in all times comming, notwithſtanding of the foreſaid Act Reſciſſory; And this for the good and eaſe of the People, and for incouragement of the Miniſters of the Goſpel, whereunto his Majeſty hath alwayes a tender reſpect. And although by a ſpecial Act of this preſent Parliament, the pretended Parliament holden in *Anno* one thouſand ſix hundred and fourty nine, and in the beginning of the year one thouſand ſix hundred and fifty, is from the beginning Declared void and null, and all that hath followed thereon; Yet nevertheleſſe His Majeſty Doth, with advice foreſaid, Authorize all Valuations, Acts, Decreets and Sentences led, deduced and pronounced by the Commiſsions one or moe appointed by the ſaid pretended Parliament, for Plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting ſuch Decreets and Sentences given in favours of Miniſters for their Stipends, or for dividing, uniting, annexing or building of Kirks, which ſhall be found to have been unjuſtly or exorbitantly decerned: The determination whereof is hereby referred by his Majeſty, with conſent foreſaid to the ſaids Commiſsioners, that they after hearing of parties, and conſideration of particulars, may take ſuch courſe for altering, annulling or allowing of the ſaids Acts, Decreets, and Sentences, as they ſhall think fitting, conform to the Laws, Practique and cuſtom obſerved preceeding the year one thouſand ſix hundred and fourty nine: and Ordains Proceſſe upon Supplications to be ſummarly granted, parties alwayes being cited, and that without any reduction. And it ſhall be lawful to the ſaids Commiſsioners or *Quorum* foreſaid, to proceed in all Summons and Actions to be intended for that effect, within the ſpace of two years after the firſt down-ſitting of the Commiſsion. As alſo, with power to the ſaids Commiſsioners, upon the dependance of the ſaids Complaints and Proceſſes to diſcharge execution upon the foreſaids Decreets, in whole or in part, as they ſhall find juſt, ay and while the matter be determined by them. As alſo in reſpect that by diverſe Decreets pronounced by the ſaids Commiſsioners appointed by the ſaid Commiſsion, in *Anno* one thouſand ſix hundred and fourty nine, the burden of an Augmentation was put upon diverſe Tacks-men of Teinds, and yet no recompence was made to them by prorogating of the ſaids Tacks; in regard alſo that diverſe Regiſters of Commiſsions, preceeding the year one thouſand ſix hundred and fourty nine, are loſt, whereby Prorogations were granted in favours of Tacks-

men, and the Extracts alſo periſhed the time of the Troubles: Therefore his Majeſty, with conſent foreſaid, Gives power to the ſaids Commiſsioners, or *Quorum* foreſaid, appointed by this Commiſsion, to grant recompence and prorogation to the ſaids Tackſ-men, in the ſame manner as was preſcribed by the former Commiſſions, namely by the Commiſſion in Anno one thouſand, ſix hundred, and ſeventeen, the Titulars alwayes being cited thereto. And whereas it may fall out that ſome of the ſaids Commiſſioners now appointed, may be unable to attend the ſervice, through death, ſickneſs, or ſome other notour and known impediment. Therefore His Majeſty Declareth, that He ſhall be careful to fill their places with other perſons qualified, whoſe Oaths for faithful diſcharge of the ſame, ſhall be taken by the Lord Chancellor, or in his abſence, by the Preſident of the ſaid Commiſſion for the time: And ordains this preſent Commiſſion to endure ay and while the ſame be diſcharged by His Majeſty; and Ordains the Acts, Decreets and Ordinances thereof, to have the force, ſtrength and effect of a Decreet, Sentence and Act of Parliament; and the Lords of the Seſſion to grant and direct Lettters of Horning, Poynding and others requiſit, in manner contained in the foreſaids former Commiſſions. And conſidering that it was the will and pleaſure of His Majeſties Royal Father, that all Heritors, who ſhould be willing to buy, ſhould have their own Teinds at reaſonable Rates; Therefore His Majeſty, with advice foreſaid, Statutes and Ordains, that all Heritors whoſe Teinds are not valued, ſhall have liberty to value and buy the ſame at ſuch Rates as are contained in the Act of Parliament one thouſand, ſix hundred, and thirty three years. With power to augment the ſaids Rates according to the burden of Augmentations and others ſuſtained by the Titulars, ſince the ſaid Act of Parliament one thouſand, ſix hundred, and thirty three years; and the ſaids Heritors to have the liberty of buying, as ſaid is, within the ſpace of three years after the valuation. With power to the ſaids Commiſſioners to determine therein according to Juſtice; with this Declaration alwayes, That incaſe the impediment during the ſpace foreſaid, flow from the Titular, by reaſon of his minority or other inability, in that caſe, the Heritor who offered himſelf ready to buy his own Teind within the ſpace foreſaid, ſhall have place, ſo ſoon as the impediment is removed, to buy his Teinds, notwithſtanding of the expiring of the years and ſpace above expreſt. And it is Declared, that if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foreſaid ſpace, the Minor ſhall have Action for two years after his minority, to compel the Titular for ſelling of the ſaids Teinds.

LXII.

ACT for ordering the payment of Debts, betwixt Creditor and Debitor.

OUR SOVERAIGNE LORD, conſidering how neceſſary and eſſential it is to the very being and flouriſhing of Kingdoms and Nations, that there ſhould be a National confidence among the people themſelves, and with theſe of other Nations with whom they have correſpondence and traffick abroad; and that the moſt effectual and proper way to beget, cement, and maintain the ſame, is, that Promiſes, Pactions, Obliegments and Debts be faithfully performed and ſatisfied, without which there can be no truſt, and conſequently no ſociety, intercourſe and commerce at home, and all Trade and Traffick with other Nations will certainly decay and ceaſe, to the irreparable loſs, ruine and diſcredit of the Nation: Yet, the troubles and difficulties of the time being ſo great, that it is fit ſome breathing time and encouragement ſhould be given to the Debitors, for the better inabling them to keep their credit, and to take ſome effectual courſe for payment of their Debts. Therefore His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That for all Sums and Debts contracted before the tearm of Whitſunday, one thouſand, ſix hundred, and fifty eight years, and exceeding one thouſand pounds Scots of principal, perſonal execution ſhall be forborne by the ſpace of ſix years, to begin at Whitſunday laſt by-paſt, in this inſtant year, one thouſand, ſix hundred, and ſixty one; Providing that the Debitors make payment of one years Annual-rent at Candlemeſſe next, in the year one thouſand, ſix hundred, and ſixty two, and that the reſidue of the by-gone Annualrents of the ſaids Sums reſting unpaid at Whitſunday next, ſhall become and be made a principal Sum, and the Debitor ſhall give ſecurity for the ſame to theſe who have right to the by-gone Annualrents, when they take the benefit of the foreſaid forbearance, in manner after-mentioned; or at any other time that the ſame ſhall be demanded: Which Security to be granted for the ſaid by-gone Annualrents, made up in a principal Sum, ſhall bear obliegment to pay Annualrent for the ſame, in manner and from the tearms after-ſpecified, *viz.* For a third part thereof, from Whitſunday next, one thouſand, ſix hundred, and ſixty two years; and for an other third part, from Martimeſſe thereafter, in the ſaid year, and for the laſt third part, from Whitſunday, in the year one thouſand, ſix hundred, and ſixty three, during the not payment of the ſaid principal Sum ſo made up, for which, perſonal execution is to be forborne, as for the other principal Sums, by the ſpace aforeſaid of ſix years after Whitſunday laſt. And without prejudice of the Security to be granted in manner foreſaid, It is alſo Declared and Ordained, that the ſaid by-gone Annualrents, are made up, and ſhall be holden and eſteemed principal Sums; And that Annualrents ſhall be due and payable for the ſame from the tearms and in manner foreſaid, and that execution ſhall follow at the inſtance of thoſe who have right

right to the ſame, upon and by vertue of their Bonds, Contracts and Rights, and of this preſent Act and Ordinance, in the ſame manner as if a new Security were already granted in manner and of the tenour above-written.

And notwithſtanding of the Premiſſes, It is hereby Declared, that the Lords of Seſſion ſhall have power to grant and paſſe Suſpenſions for Sums not exceeding one thouſand pounds, upon ſuch reaſons as they ſhall think juſt.

And where thoſe who have right to by-gone Annualrents are only Liferenters, and have no right to the ſtock and principal Sum, It is Ordained, that it ſhall be lawful to them to uſe execution for the whole by-gone Annualrents due to them, as they might have done before the making of theſe Preſents; and that the ſaids Lords of Seſſion ſhall have power to grant and paſſe Suſpenſions againſt the ſaids Liferenters, in caſe they ſhall find juſt grounds and cauſe for granting of the ſame.

It is likewayes Provided, that the benefit of the ſaid forbearance, ſhall only be granted and competent to ſuch Debitors, as ſhall pay the ſaid years Aunualrent, within the time foreſaid, and ſhall betwixt and the firſt day of November, compear before any of the Lords of Seſſion with the Clerk, and declare before them upon Oath, that their Debts exceeds the value of Four years Rent of their Eſtate, pertaining to, and poſſeſt by them: which Declaration, extracted under the hand of the Clerk of Regiſter, or his Deputes, ſhall be a ſufficient Security againſt Perſonal execution: And for which Extract, the Clerk Regiſter and his Deputies ſhall have for their Fees the ſum of thirty three ſhillings four pennies Scots, and no more. And it is Declared, that all perſons, who ſhall not by themſelves, or their Tutors or Curators, appear and declare within the time, and in manner foreſaid, ſhall be excluded from the benefit of the foreſaid forbearance, and ſhall never be reponed or admitted thereafter, upon any pretext whatſoever.

And the benefit of the foreſaid Forbearance being granted to the Debitors, or any of their Cautioners, upon the compearance and declaration foreſaid, ſhall only be perſonal for them and their Heirs and others repreſenting them, and ſhall not be extended to thoſe who are bound with them, and lyable to the ſaids Debts, unleſs they alſo compear and declare, that their own proper Debts and Cautionry for perſons who have taken the benefit of this Act, exceeds the value of Four years Rent of their Eſtate, and that within the time and in manner foreſaid.

And for the more eaſe of the Debitors, It is Ordained, that in-caſe within the time of the Forbearance foreſaid, the Debitor ſhall offer to the Creditor a part of his Debt, not being beneath or within the third part of the whole Sums due by them to the Creditor for the time, the Creditor in that caſe, ſhall be holden to accept of the ſaid partial payment: and in-caſe of his refuſal, offer being made of a part of the ſaids Sums, not within the proportion foreſaid, in preſence of a Nottar and Witneſſes, the Debitor, upon conſignation of the ſame in the hands of the Clerk of the Bils; ſhall be free of the Annualrent of that part of the ſaid Sum that ſhall be conſigned, in all time coming after the conſignation foreſaid.

And whereas the legal reverſion of Compriſings was formerly limited to ſeven years, His Majeſty, for the reaſons and with conſent foreſaid, is graciouſly pleaſed to extend the ſame to ten years in all time comming; and Statutes and Ordains, that all Compriſings already deduced, and whereof the legal reverſion is not yet expired, or which ſhall be deduced any time hereafter, ſhall be redeemable within the ſpace of ten yeares after the date of the ſame; and all compriſings deduced ſince January, one thouſand, ſix hundred, and fifty two years, and whereof the legals are expired, and all compriſings deduced before the ſaid Moneth of January, one thouſand, ſix hundred, and fifty two years, and which were not expired before the ſaid Moneth of January, one thouſand, ſix hundred, and fifty two years, ſhall be redeemable within the ſpace of three years, after Whitſunday now laſt by paſt, notwithſtanding the legal reverſions of the ſame be now expired.

And in caſe the Lands and others compriſed, exceed in yearly Rent and value, the Annualrent of the Sums contained in the ſaids Compriſings, and of the expence diſburſed in obtaining Inſeftments thereupon, and the Debitor ſhall deſire the Creditor to poſſeſs the Lands and others compriſed, it ſhall be lawful to the Lords of Seſſion, like-as the ſaids Lords are hereby impowered and authorized, upon a Supplication to be made to them by the Debitor, and citation of the compriſers, to appoint the Appriſers to poſſeſs ſuch of the ſaids Lands and others, during the legal reverſion, as the ſaids Lords of Seſſion ſhall think juſt and reaſonable; the ſaids Debitors alwayes giving poſſeſſion to thoſe who have right to the ſaids Compriſings, and ratifying their poſſeſſion already apprehended by them (if any ſuch poſſeſſion they have) of ſuch of the ſaids Lands and others, as the ſaids Lords of the Seſſion appoint, not being beneath in yearly Rent and value of the Annualrents above-mentioned; or otherwayes giving to the Creditors (whether they have poſſeſſion or not) ſufficient ſecurity, at the ſight of the ſaids Lords, for payment of the ſaids Annualrents, during the time foreſaid; the ſaids Lords of Seſſion having alwayes power to determine, whether in the caſes foreſaids the Debitor ſhall give ſurety to the Creditor, for his Annualrents, or the Debitor not being able to give ſurety, the Creditor ſhall be oblieged to take poſſeſſion of the Debitors Lands. And if the Lords of Seſſion ſhall appoint, in the caſe foreſaid, the Creditor to be poſſeſt for his Annual-rent, then and in that caſe, the Debitor ſhall be holden to deliver the Evidents of the ſaids Lands to the Creditor, or tranſumpts thereof; providing alwayes, that the Creditors right, by vertue of the ſaids Compriſings, be nowayes prejudged after the expiring of the ſame;

And

And that the whole Lands and others, both such as shall be possessed by the Debitor, and the remanent of the Lands and others contained in the saids Compriſings, shall pertain to the Creditor irredeemably.

And becauſe oftentimes Creditors, in regard they live at distance, or upon other occasions, are prejudged and preveened by the more timeous diligence of other Creditors, so that before they can know the condition of the common Debitor, his Estate is compriſed, and the posterior Compriſers have only right to the Legal reversion, which may, and doth often prove ineffectual to them, not being able to satisfie and redeem the prior Compriſings: (their means and money being in the hands of the common Debitor) Therefore it is Statute and Ordained, that all Compriſings, deduced since the first day of *January*, one thousand, six hundred, and fifty two years, before the first effectual Compriſing, or after, but within year and day of the same, shall come in *pari paſſu* together, as if one Compriſing had been deduced and obtained for the whole respective Sums, contained in the foresaids Compriſings. And it is Declared, that such Compriſings as are preferable to all others in respect of the first real Right and Infeftment following thereupon, or the first exact diligence for obtaining the same, are and shall be holden the first effectual Compriſing, though there be others in date before and anterior to the same; and the foresaid benefit given and introduced hereby, in favours of these whose Compriſings are led within the time, and in manner foresaid, is only granted and competent in the case of Compriſings, led since the first day of January, one thousand, six hundred, and fifty two years, and to be led after the date of thir presents, and for personal Debt only, without prejudice alwayes of ground Annuals, Annualrents due upon Infeftment, and other real Debts, and *Debita fundi*, and of compriſings therefore of Lands and others affected therewith, which shall be effectual and preferable according to the Laws and Practick of this Kingdom now standing; And it is also provided, that the Creditors having right to the first compriſing, except as is above excepted, shall be satisfied by the posterior compriſers, claiming the benefit foresaid, of the whole expence disburſed by them, in deducing and expeding the said first compriſing and Infeftments thereupon.

And further, for obviating the frequent and fraudful practice of the appearand Heirs of Debitors, who are in use to acquire the right of expired compriſings, and by vertue thereof, to enjoy and poſſeſs their Predeceſſors Lands and Estate, to the prejudice and defrauding of the posterior compriſings and other Creditors, It is Statute, that in case the appearand Heir of any Debitor, or any other confident person to his behoof, shall at any time hereafter acquire the right of an expired compriſing, already deduced, or which shall be led and deduced hereafter, the said right shall be redeemable from the appearand Heir, or the said confident person their Heirs and Succeſſors within the space of ten years, after the acquiring of the said right, by the posterior compriſers, upon payment allanerly of the Sums truly paid and given out, for buying and acquiring the saids rights, at the least so much thereof as shall be resting unsatisfied, for the same, by the intromiſſion of the appearand Heir, or of the said confident person, or their foresaids.

And His Majestie, with consent foresaid, doth Declare, That the benefit foresaid introduced hereby anent Compriſings, shall be extended to Adjudications for Debt; so that the Creditors, at whose instance the same are obtained, and those who have right to redeem the same, shall be in the same case as to the benefite foresaid, as if the said Adjudications for Debts were Compriſings.

And in case a Creditor, against whom the benefit of the foresaid forbearance for six years shall be taken, or who hath led or shall lead a Compriſing against the Debitor, shall think fit, and be willing, and desirous to take his Debitors Lands, or other Estate, or any part thereof for security or payment, and in satisfaction of his Debt, then and in either of these cases, the Debitor shall be holden to give Security out of his Lands, and other Estate, or to sell the same to the Creditor, at the sight of the Lords of Session, with such warrandize, and at such rates and prices (if the Creditor be content to buy) as they shall appoint; with certification, that otherwayes the Debitor, refuſing or failing, shall loſe and forfeit all benefit introduced in favours of the Debitors by this present Act, as if it had never been made.

And in regard some persons may have taken advantage of the late times and troubles, by taking and acquiring of proper Wodsets of Lands and others, exceeding the Annual-rent of the Sums lent upon the same; and providing nevertheleſſe, by the right of the foresaids Wodsets and expreſſe provisions therein, or by writ apart, that they should not be lyable to any hazard of the Fruits, Tennents, War, or Troubles; His Majestie, with consent foresaid, Statutes and Ordains, that all such Wodsets, granted since the year one thousand, six hundred, and fourty nine, shall be restricted to the ordinary Annualrent of the Sums whereupon the same are redeemable; and the saids Wodsetters shall be countable for the *ſuperplus* of the Mails and Duties and other benefit of the same, exceeding the Annual-rent of the saids Sums, and the same shall be imputed and ascribed, in satisfaction of the saids principal Sums *pro tanto*: And in case any such Bargains and Rights shall be made and acquired hereafter, His Majestie, with consent foresaid, Declares the same unlawful and usury, and the contraveeners shall be punished severely as Usurers, conform to the Lawes and Acts of Parliament against Ockerers and Uſerers.

And as to proper Wodsets, granted since the time foresaid, where the Creditor undergoes the saids hazards, and the same are affected with the ordinar provisions and clauses irritant, in case of not payment of the sums given out and due upon the saids Wodsets, at the tearmes and in manner mentioned in the saids Rights:

Rights: albeit the ſaids Wodſets and Proviſions be lawful; yet His Majeſty, conſidering and having reſpect to the difficulties of the times, Statutes and Ordains, with conſent foreſaid, That the ſaids Clauſes irritant, ſhall not take away the Heritors right, they alwayes redeeming within the ſpace of five years after Whitſunday laſt: And in caſe the Debitors conceive, that they have diſ-advantage by the ſaid proper Wodſets, and ſhall deſire to redeem the ſame, it ſhall be lawful to them to redeem at any tearm of Whitſunday or Martimeſſe they pleaſe, notwithſtanding of any proviſion to the contrair in the ſaid Wodſet-rights, or any other right apart ſuſpending the redemption thereof. Like-as it is Declared, That the clauſes of requiſition contained in proper Wodſets, granted ſince the year one thouſand, ſix hundred, fourty nine years, ſhall be effectual and no wayes ſuſpended nor prejudged hereby; But prejudice alwayes to the forbearance of perſonal execution in manner above-written. And where the Creditors and Wodſetters have tranſacted with their Debitors, and have acquired inredeemable rights, for, and in place of their former Wodſets, It is Ordained and Declared, That when, and at what time ſoever the ſaids Wodſets were granted, whether before or ſince the year one thouſand, ſix hundred, and fifty years, the ſaids tranſactions and irredeemable rights acquired by the Creditor for the ſame, are and ſhall be valid and effectual, and ſhall no wayes be prejudged by theſe preſents.

And further His Majeſty, with conſent foreſaid, doth Declare, That in caſe any Debitors have by Voluntar agreement betwixt them and their Creditors, or any of them, renounced the benefit of any Acts of this nature, concerning Debitor and Creditor, made or to be made, the ſaid agreement ſhall be of force and effectual, and ſhall not be prejudged hereby; without prejudice alwayes to the ſaid Debitor of the prorogation foreſaid of the Legal reverſions of compriſings led and deduced againſt them, and not as yet expired, notwithſtanding of the agreement and renounciation foreſaid.

And becauſe, before the year one thouſand, ſix hundred and fifty, when money paſt at eight or ten *per cent*, divers proper Wodſets were then made and granted, and are yet unredeemed; and ſince the beginning of January, one thouſand, ſix hundred, and fifty, there be divers perſons, who taking advantage of the times, refuſed to lend their money, unleſs they got proper Wodſets of Lands and Teinds, at extraordinary advantages, to the heavy prejudice of the Debitors: Therefore, His Majeſty, with advice foreſaid, Statutes and Ordains, That in time coming, during the not requiſition of the Sums whereupon the ſaids Wodſets are redeemable, and during the not redemption of the ſame reſpectively, if the Debitors ſhall give ſufficient Security to the Wodſetter, for payment of his Annualrent, during the not redemption, or not requiſition, as ſaid is; In that caſe, the Creditors-Wodſetter, ſhall be holden to renounce and quyt his poſſeſſion of the ſaids Lands and Teinds, in favours of the Debitor and others having right from him; At leaſt if the Wodſetter ſhall be content to retain the poſſeſſion of the ſame; In that caſe all the free Profits and Rents, which he ſhall have or uplift out of the ſaids Lands, ſhall be reſtricted to ſix *per cent*. yearly of free money, and the Wodſetter ſhall be countable to the Debitor, or others having right from him, for the *ſuperplus*; and that without prejudice of the Wodſetters real Right and Infeftment, ay and while the Lands be redeemed, and the principal Sum whereupon the ſame is redeemable ſhall be ſatisfied. It is alwayes provided, that where any Creditor hath had loſs by his poſſeſſion of the Wodſet-lands and others ſince the date of his Wodſet, So that he hath not receaved as much Free Rents as, *communibus annis*, hath extended to the Annualrent allowed by Law for the time, all charges and burdens being deduced; in that caſe, it is provided that the Wodſetter ſhall be firſt ſatisfied of what he wants before he quyt his poſſeſſion of the ſaid Wodſet-lands, or be holden to accept Security for his Annualrents: And it is Declared, that in the account of the Wodſetters by-gone loſs, there ſhall be allowed what he hath diſburſed upon reparation and building of Tennents houſes, Milnes, and for the advantage of the ground; and generally all other expence which the Wodſetter was put to, and what loſs he ſuſtained in reference to the ſaids Wodſet-lands, Rights and Securities thereof, any manner of way; and what he hath loſt by Quarterings, Ceſs, waſte Land, depauperated Tennents, or by Tennents who were or are not able to pay, unleſs the ground ſhould be caſten waſte: And becauſe the Wodſetters probation of his ſaids loſs may be difficile, he not conceiving that there ſhould be neceſſity for any ſuch count, or that there ſhould be any alteration made in the right and poſſeſſion of his proper Wodſet, Therefore His Majeſty, with advice foreſaid, doth allow the Lords of Seſſion to take ſuch reaſonable probation as in equity they ſhall think fit; And if there be any deficiency, to take the Wodſetters Oath in ſupplement; and where the Wodſetter is in natural poſſeſſion of the Wodſet-lands, by dwelling thereon or labouring the ſame with his own Plough and Goods, or otherwayes, having the ſame pleniſhed with his ſaids Goods, in that caſe, he ſhall not be holden to remove from his ſaid poſſeſſion, but at the ordinary tearm of removing, and that he be lawfully warned fourty dayes before, and after ſufficient Security ſhall be made to him, in manner above ſpecified, before the ſaid warning.

And His Majeſty having granted ſo much favour, benefit and indulgence to Debitors, as the like cannot be ſhown to have been granted at any time in this Kingdom, doth Declare, Statute and Ordain, That the Laws and Practick of the Kingdom, concerning Debts and payment thereof, and diligence & execution for the ſame, and concerning proper Wodſets, where the Creditor-wodſetter hath the hazard of Fruits, Tennents, War and others, ſhall be obſerved inviolably, and be of full force, vigor and effect in all time coming, excepting ſo far as the ſame is altered, innovat and repealed by this preſent Act.

LXIII.

Act Salvo jure cujuſlibet.

OUR SOVERAIGNE LORD, taking to conſideration, that there be many Acts of Ratification and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged. Therefore His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts, and Acts of Ratification, paſt in manner foreſaid, ſhall not prejudge any third party of their lawful rights, nor of their actions and defences competent thereupon before the making of the ſaids particular Acts, and Acts of Ratifications; and that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt parties according to their ſeveral rights, ſtanding in their perſons before the making of the ſaids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cujuſlibet.*

LXIV.

ACT of Adjournment.

THe Kings Majeſtie Declares this Parliament current, and Adjourns the ſame to the twelfth day of March next to come; Ordaining all Members of Parliament, Noble-men, Commiſſioners of Shires and Burghs, and all others having intereſt, to attend that day: and that there be no new Elections in Shires or Burghs, except upon the death of any of the preſent Commiſſioners.

A. PRIMEROSE,

Cls. Regiſter.

FINIS.

A TA.

A TABLE

Of the Printed ACTS.

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2 *Act and acknowledgment of His Majeſties Prerogative, in the choice of His Officers of State, Councillors and Judges.*
3 *Act aſſerting His Majeſties Royal Prerogative, in the calling and diſſolving of Parliaments, and making of Laws.*
4 *Act aſſerting His Majeſties Royal Prerogative, in the making of Leagues, and the Conventions of the Subjects.*
5 *Act aſſerting His Majeſties Royal Prerogative, in the Militia, and in making Peace and War, &c.*
6 *Act annulling the pretended Convention of Eſtates, keept in the year, 1643.*
7 *Act concerning the League and covenant, and diſcharging the renewing thereof, without His Majeſties Warrand and approbation.*
8 *Act againſt Papiſts, Prieſts and Jeſuits.*
9 *Act approving the Engagement, 1648. and annulling the pretended Parliaments and Committees keept thereafter.*
10 *Act condemning the Tranſactions concerning the Kings Majeſty, whilſt He was at New-caſtle in the years 1646, and 1647.*
11 *Act for taking the Oath of Allegiance, and aſſerting the Royal Prerogative.*
12 *Act concerning the Judicial proceedings in the time of the late Uſurpers.*
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17 *Act for a Solemn anniverſary Thanksgiving, for his Majeſties Reſtauration to the Royal Government of His Kingdoms.*
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35 *Act concerning the Election and charges of the Commiſſioners from Shires to the Parliament.*
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43 *Act diſcharging the Exportation of Linnen-Yarn, and regulating the breadth of Linnen-cloath, &c.*
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50 *Act and Offer of Twelve thouſand pounds Sterling to the Lords of Seſſion.*
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53 *Act Ratifying the Act of Parliament*, 1633. *anent the Annexation of his Majeſties Property.*
54 *Act in favours of Lauck Patrons of Proveſtries, Prebendaries, Chaplanries and Alterages.*
55 *Act anent Cocquets and Entries of Ships.*
56 *Act anent Coal-hewers.*
57 *Act diſcharging the Cuſtom of two and an half of the hundred, and the Impoſt of four pounds on the Tun.*
58 *Act in favours of thoſe who get their Ward-holding changed by the Kings Majeſty.*
59 *Act anent the Exchequer.*
60 *Act concerning Docqueting of Signatures.*
61 *Commiſſion for Plantation of Kirks and Valuation of Teinds.*
62 *Act for ordering the paiment of Debts betwixt Creditor and Debitor.*
63 *Act* Salvo jure cujuſlibet.
64 *Act of Adjournment.*

FINIS.

LAWS

LAWS AND ACTS

Paſt in the SECOND

SESSION

Of the FIRST

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *Edinburgh* by the Noble Lord, *John* Earl of *Middleton*, Lord *Cleremont* and *Fettercairn*, *His* MAJESTIES *Commiſsioner*.

Begun at *Edinburgh* upon the eight of *May*, and continued to the ninth of *September*, 1662.

I.

ACT for the Reſtitution and Re-eſtabliſhment of the Ancient Government of the Church by Arch-biſhops *and* Biſhops.

FORASMUCH as the ordering and diſpoſal of the external Government and policy of the Church, doth properly belong unto his Majeſty, as an inherent right of the Crown, by vertue of his Royal Prerogative and Supremacy in cauſes Eccleſiaſtical. And in diſcharge of this Truſt, his Majeſty, and his Eſtates of Parliament, taking to their ſerious conſideration, that in the beginning of, and by, the late Rebellion within this Kingdom, in the year, one thouſand, ſix hundred and thirty ſeven, the ancient and ſacred order of Biſhops was caſt off, their Perſons and rights were injured and overturned, and a ſeeming parity among the Clergy factiouſly and violentlie brought in, to the great diſturbance of the publick Peace, the reproach of the reformed Religion, and violation of the excellent Laws of the Realm, for preſerving an orderly ſubordination in the Church: And therewithal conſidering, what diſorders and exorbitances have been in the Church, what encroachments upon the Prerogative and Rights of the Crown, what uſurpations upon the Authority of Parliaments, and what prejudice the liberty of the Subject hath ſuffered by the invaſions made upon the Biſhops and Epiſcopal Government, which they find to be the Church-Government, moſt aggreeable to the word of God, moſt convenient and effectual

for the preſervation of Truth, Order and Unity, and moſt ſuitable to Monarchy and the Peace and Quiet of the State. Therefore, His Majeſty with advice and conſent of his Eſtates of Parliament, hath thought it neceſſar, and accordingly doth hereby Redintigrat the State of Biſhops to their ancient places and undoubted priviledges in parliament, and to all their other accuſtomed Dignities, priviledges and Juriſdictions; and doth hereby Reſtore them to the exerciſe of their Epiſcopal Function, preſidence in the Church, power of Ordination, inflicting of Cenſures, and all other Acts of Church-diſcipline, which they are to perform, with advice and aſsiſtance of ſuch of the Clergy as they ſhall find to be of known loyalty and prudence. And, his Majeſty with advice foreſaid, doth Revive, Ratifie and Renew all Acts of any former Parliaments, made for the eſtabliſhment, and in favours of this ancient Government. And doth Ratifie and approve all Acts and Proclmations emitted by his Majeſty or His Privy Council, ſince the firſt day of *June* laſt, in order to the reſtitution of Biſhops. And further it is hereby Declared, that whatever ſhall be determined by his Majeſty, with advice of the Arch-biſhops and Biſhops, and ſuch of the Clergy as ſhall be nominated by his Majeſty, in the external Government and Policy of the Church (the ſame conſiſting with the ſtanding Laws of the Kingdom) ſhall be valide and effectual. And his Majeſty, conſidering how neceſſar it is, that all doubts and ſcruples, which from former Acts or Practices may occur to any concerning this ſacred Order, be cleared and removed, Doth therefore, of certain knowledge, and with advice foreſaid, Reſcind, Caſs and Annull all Acts of Parliament, by which the ſole and only power and juriſdiction within this Church, doth ſtand in the Church, and in the general, provincial and presbyterial Aſſemblies, and Kirk-Seſſions; And all Acts of Parliament or Council which may be interpreted to have given any Church-power, Juriſdiction or Government, to the Office-bearers of the Church, their reſpective Meetings, other then that which acknowledgeth a dependance upon, and ſubordination to the ſoveraign Power of the King, as Supream; and which is to be regulated and authorized, in the exerciſe thereof, by the Arch-biſhops and Biſhops who are to put order to all Eccleſiaſtical matters and cauſes, and to be accountable to his Majeſty for their Adminiſtrations. And particularly, his Majeſty with advice foreſaid, doth Reſcind and Annull the firſt Act of the twelfth Parliament of King *James* the ſixth, holden in the year, one thouſand, five hundred and ninety two, and Declares the ſame, aud all the heads, clauſes and articles thereof, void and null, in all time comming. And His Majeſty, conſidering, that the Juriſdiction of the Commiſſariots is a proper part of the Rights and Priviledges belonging to the Biſhops, Doth therefore, with advice foreſaid, Reſtore the Arch-biſhops and Biſhops to their ſaid juriſdiction of Commiſſariots, according to the ſixth Act of the Parliament, one thouſand, ſix hundred and nine, which is hereby Ratified and Renewed: And accordingly Ordains, that in all time comming the Quotes of Teſtaments be payed in to the Arch-Biſhops and Biſhops, in their reſpective Dioceſes, as formerly; and Reſcinds and Annuls the twenty eight Act of the laſt Seſſion of this preſent Parliament, anent the Quotes of Teſtaments, and declares the ſame void in all time comming. It is alwayes hereby Declared, that this Act is without Prejudice of the preſent Commiſſaries, their Clerks and Fiſcals, their enjoying their Places and benefits thereof, conform to their Gifts and Laws of this Kingdom; unleſs, for their inſufficiency or miſdemeanors, they be found uncapable of the ſame. Further, His Majeſty, with advice and conſent foreſaid, Statutes and Ordains, That no Act, Gift, or Deed, paſſed by whatſoever Authority, ſince the interruption of the Government by Arch-biſhops and Biſhops, in the year one thouſand, ſix hundred and thirty ſeven, to the prejudice of their Rights, Patronages, Admiralities, Superiorities, Rents, Poſſeſſions and Juriſdictions pertaining to the ſeveral Biſhopricks, ſtand valide or be in force. But that the ſaids Arch-biſhops and Biſhops may have their Claim, Right and Poſſeſſion, for the year one thouſand, ſix hundred, and ſixty one, and all years following, to whatſoever was poſſeſt by, or by the Laws of the Kingdom was due to their Predeceſſors in *anno*, one thouſand, ſix hundred, and thirty ſeven; and that notwithſtanding of any donation or rights made to Colledges, Churches, Corporations, Miniſters, or any other perſons, ſince the year one thouſand, ſix hundred, and thirty ſeven, by whatſoever Order, Deed or Warrand, excepting as is aforeſaid, in favours of Commiſſaries, Clerks and Fiſcals: And whereas, divers perſons having right to Lands, Annualrents, or ſome other eſtate holden formerly of Biſhops, or who had ſucceeded or acquired Rights to the ſaids Lands, and others of the nature and holding foreſaid, have been forced, during the late troubles, there being no other way or ſuperior for the time, to obtain themſelves infeſt therein, holden of His Majeſty or his Royal Father, or of their Donators, having right for the time; and to that effect did take Precepts out of the Chancery, and to paſs Infeftments under the great Seal, and to obtain Precepts and Charters from the ſaids other perſons who had right to their Superiorities for the time. And His Majeſty being graciouſly pleaſed, that ſuch Rights and Infeftments as, for the time, were neceſſary and of courſe taken and paſt in manner foreſaid, ſhould not be prejudged; Therefore it is ſtatute and declared, That all perſons, who, ſince the beginning of the Troubles, in the year one thouſand, ſix hundred and thirty eight, are entered or infeſt by his Majeſty or his Royal Father, by the pretended Authority for the time; or any other perſon having right from them in any Land or Eſtate holden immediatly of the Biſhops before the ſaids troubles, ſhall now hold the ſame of the Arch-biſhops and Biſhops, their lawful Superiors, in the ſame manner as they, their Predeceſſors and Authors, held the ſame before the late troubles.

bles. And it is Declared, That neither this nor any other Act of the laſt or preſent Seſſion of this Parliament, ſhall prejudge any Retours, Signators, Charters, Precepts, Infeftments, Seizings of Lands, Annualrents, or any other Eſtate holden immediatly of Biſhops, whereby the ſame are retoured, or Infeftments of the ſame are taken to be holden of the King or his Donators ſince the time foreſaid, upon Retours, Reſignations, Compriſings, Adjudications, or by way of confirmation, or Precepts of *clare conſtat* or otherwayes; which Infeftments being orderly paſt as they ought to have been for the time, with the Retours, Signators and other Warrands of the ſame, His Majeſtie with conſent foreſaid, doth Ratifie and approve, and Declares to be valide Rights, as if the ſame had been granted or renewed by the ſaids Arch-biſhops or Biſhops. It is alwayes Declared, that the Declaration and Ratification foreſaid, ſhall not be extended to any new Gift or Grant, or any other Clauſe or Right contained in the ſaids Infeftments or Signators, or other Warrands of the ſame, whereby any new Gift or original Right of the ſaids Lands and others are given, or the Right of the ſame is granted or conveyed otherwayes then conform to the Rights and Infeftments thereof, before the time aforeſaid. Likeas it is Declared, That the ſaid Ratification and Declaration foreſaid, ſhall not corroborat or import any Ratification to the ſaids Vaſſals their former Rights, which are to be in the ſame caſe as they were in the beginning of the ſaids troubles, in the year foreſaid; In regard it is His Majeſties intention; likeas it is Declared by His Majeſty, with conſent foreſaid, That the Arch-Biſhops and Biſhops ſhall be, as to their Patrimony and Rents, in the ſame caſe and condition as they were in the year foreſaid, notwithſtanding of whatſoever Acts of the pretended Parliaments, ſince the time foreſaid, to the contrair; And notwithſtanding of whatſoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by vertue of any Act or Acts of the ſaid pretended Parliaments, which His Majeſtie with conſent foreſaid, doth Declare, Decern and Determine to be void and null, except in ſo far as is reſerved and ratified in manner abovewritten. It is hereby Declared, That this Act of Reſtitution ſhall give no Right to any of the ſaids Arch-Biſhops or Biſhops, or their Succeſſors, nor to the Heirs or Executors of the deceaſed Biſhops, of any Rents belonging to the Arch-biſhopricks or Biſhopricks preceeding the year, one thouſand, ſix hundred and ſixty one, after the ſaid year one thouſand, ſix hundred and thirty eight; but that all the ſaids Rents intrometted with by, and pertaining to, ſuch perſons as had right thereto for the time, and wherewith they have or might have intrometted, ſhall be ſecured to them. As alſo, all ſuch perſons who, *bona fide*, have made payment of their Few-duties, Teinds and Teind-duties, and others Rents of their Biſhopricks, are and ſhall be alſo ſecured, for bygones allannerly, free of any action or queſtion, notwithſtanding of this preſent Act or any thing therein contained.

II.

ACT for preſervation of His Majeſties *Perſon, Authority and Government.*

THe Eſtates of Parliament taking into their conſideration, the miſeries, confuſions, bondage and oppreſſions, this Kingdom hath groaned under ſince the year, one thouſand, ſix hundred, and thirty ſeven, with the cauſes and occaſions thereof, Do with all humble duty and thankfulneſs acknowledge His Majeſties unparrallel'd grace and goodneſs, in paſſing by the many miſcarriages of His Subjects, and reſtoring the Church and State to their ancient Liberties, Freedom, Rights and Poſſeſſions; and the great Obligations thereby lying upon them to expreſs all poſſible care and zeal in the preſervation of His Majeſties Perſon, (in whoſe honour and happineſs conſiſteth the good and welfare of His people) and in the ſecurity and eſtabliſhment of His Royal Authoritie and Government, againſt all ſuch wicked attempts and practices for the time to come. And ſince the riſe and progreſs of the late troubles, did, in a great meaſure proceed from ſome treaſonable and ſeditious poſitions infuſed into the people, *That it was lawfull to Subjects, for Reformation, to enter into Covenants and Leagues, or to take up Arms againſt the King, or thoſe Commiſsionated by Him, and ſuchlike*: And that manie wilde and rebellious courſes were taken and practiſed in purſuance thereof, by unlawful meetings and gatherings of the people, by mutinous and tumultuarie petitions, by inſolent and ſeditious Proteſtations againſt His Majeſties Royal and juſt Commands, by entering into unlawful Oaths and Covenants, by uſurping the name and power of Council Tables, and Church Judicatories, after they were by His Majeſty diſcharged, by treaſonable Declarations, that His Majeſty was not to be admitted to the exerciſe of his Royal power, untill he ſhould grant their unjuſt deſires and approve their wicked practices, by rebellious riſing in Arms againſt his Majeſty and ſuch as had Commiſſion from Him; And by the great countenance, allowance and encouragement given to theſe pernicious courſes by the multitude of ſeditious Sermons, Libels and Diſcourſes, preached, printed and publiſhed in defence thereof. And conſidering, that as the preſent age is not fully freed of thoſe Diſtempers, ſo poſterity may be apt to relapſe therein, if timeous remeid be not provided. Therefore the King's Majeſty and Eſtates of Parliament

liament do Declare, that these positions, *That it is lawful to Subjects, upon pretence of Reformation, or other pretence whatsoever, to enter into* Leagues *and* Covenants, *or to take up Arms against the King; or that it is lawful to Subjects, pretending His Majesties Authority, to take up Arms against His Person or those commissionated by Him, or to suspend Him from the exercise of His Royal Government, or to put limitations upon their due obedience and allegiance*, Are Rebellious and Treasonable: And that all these Gatherings, Convocations, Petitions, Protestations and Erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious: And particularly, that these Oaths, whereof the one was commonly called *The National Covenant*, (as it was sworn and explained in the year one thousand, six hundred and thirty eight, and thereafter) and the other entituled, *A Solemn League and Covenant*, were, and are in themselves unlawful Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same; and that there lyeth no obligation upon any of the Subjects from the saids Oaths, or either of them, to endeavour any change or alteration of Government either in Church or State; And therefore Annuls all Acts and Constitutions, Ecclesiastical or Civil, approving the said pretended *National Covenant*, or *League and Covenant*, or making any interpretations of the same or either of them. And also it is hereby Declared by his Majesty and Estates of Parliament, That the pretended Assembly, keept at *Glasgow* in the year one thousand, six hundred, and thirty eight, was in it self (after the same was by His Majesty discharged, under the pain of treason) an unlawful and seditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decreets past therein, or by vertue of any pretended Authority from the same, were in themselves from the beginning, are now, and in all time comming, to be reputed unlawful, void and null: And that all Ratifications or Confirmations of the same, past by whatsoever Authority or in whatsoever Meetings, shall from henceforth be void and null. Like-as, His Majesty and Estates of Parliament, reflecting on the sad consequences of these rebellious courses, and being careful to prevent the like for the future, have therefore Statute and Ordained, and by these presents Statutes and Ordains, That if any person or persons shall hereafter plot, contrive or intend death or destruction to the Kings Majesty, or any bodily harm tending to death or destruction, or any restraint upon His Royal Person, or to deprive, depose or suspend Him from the stile, Honour and Kingly Name of the Imperial Crown of this Realm, or any others His Majesties Dominions, or to suspend Him from the exercise of His Royal Government, or to levy War or take up Arms against His Majesty or ony commissionated by Him, or shall entice any strangers or others to invade any of His Majesties Dominions; and shall by writing, printing, preaching or other malicious and advised speaking, expres or declare such their treasonable intentions, every such person or persons, being upon sufficient probation legally convicted thereof, shall be deemed, declared and adjudged Traitors, and shall suffer forfeiture of life, honour, lands and goods as in cases of high Treason. And further, it is by His Majesty and Estates of Parliament Declared, Statute and Enacted, That if any person or persons shall, by Writing, Printing, Praying, Preaching, Libelling, Remonstrating, or by any malicious and advised speaking, expres, publish or declare any words or sentences to stir up the people to the hatred ot dislike of His Majesties Royal Prerogative & Supremacy in causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops as it is now setled by Law, or to Justifie any of the deeds, actings, practices or things above-mentioned and declared against by this present Act, that every such person or persons so offending, and being, as said is, Legally convicted thereof, are hereby declared incapable to enjoy or exerce any place or imployment, Civil, Ecclesiastical or Military, within this Church and Kingdom, and shall be lyable to such further pains as are due by the Law in such cases; Provided alwayes, that no person be processed for any of the offences aforesaid, contained in this Act, (other then these that are declared to be high Treason) unless it be by order from His Majesty, or by order of His Privy Council for the time; neither shall they incur any of the penalties above-mentioned, unless they be pursued within eight Moneths after the offence committed, and sentenced thereupon within four Moneths after the intenting of the Proces. And it is also Declared, That if his Majesty grant His pardon to any person convicted for any of the offences contained in this present Act; After such pardon, the party pardoned shall be restored to all intents and purposes, as if he had never been pursued nor convicted, any thing in this Act to the contrary, notwithstanding.

III.

Act concerning such Benefices and Stipends as have been possessed without presentations from the lawful PATRONS.

THE Kings most Excellent Majesty being desirous, that all His good Subjects may be sensible of the happy effects and fruits of the Royal Government, by a free, peaceable and safe enjoyment of their due interests and properties under His protection; and that in His restitution they may find themselves restored to these Rights, which by Law were secured unto them, and by the violence and unjustice of these late troubles and confusions have been wrested from them: And considering, that notwithstanding the right of

of Patronages be duly ſetled and eſtabliſhed by the ancient and fundamental Laws and Conſtitutions of this Kingdom; Yet, divers Miniſters in this Church have, and do poſſeſſe Benefices and Stipends in their reſpective Cures without any Right or Preſentation to the ſame from the Patrons. And it being therefore moſt juſt, that the lawful and undoubted Patrons of Kirks be reſtored to the poſſeſſion of the Rights of their reſpective Advocations, Donations and Patronages; Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth Statute and Ordain, That all theſe Miniſters who entered to the Cure of any paroch in Burgh or Land within this Kingdom, in or ſince the year one thouſand, ſix hundred and fourty nine (at and before which time the patrons were moſt injuriouſly diſpoſſeſſed of their patronages) have no right unto, nor ſhall receive, uplift nor poſſeſſe the rents of any Benefice, modified Stipend, Manſe or Gleib for this preſent cropt, one thouſand, ſix hundred and ſixty two, nor any year following, but their places, Benefices and Kirks are, *ipſo jure*, vacand. Yet, His Majeſtie, to evidence His willingneſs to paſs by and cover the miſcarriages of His people, Doth, with advice foreſaid, Declare, That this Act ſhall not be prejudicial to any of theſe Miniſters in what they have poſſeſſed, or is due to them, ſince thier admiſſion: And that every ſuch Miniſter who ſhall obtain a preſentation from the lawful patron, and have Collation from the Biſhop of the Dioceſſe where he liveth, betwixt and the twentieth of *September* next to come, ſhall from thenceforth have right to, and enjoy his Church, Benefice, Manſe and Gleib, as fully and freely as if he had been lawfully preſented and admitted thereto at his firſt entry, or as any other Miniſter within the Kingdom doth or may do. And for that end, it is hereby Ordained, That the reſpective patrons ſhall give preſentations to all the preſent Incumbents, who in due time ſhall make application to them for the ſame. And in caſe any of theſe Churches ſhall not be thus duly provided before the ſaid twentieth of *September*, then the patron ſhall have freedom to preſent another betwixt and the twentieth day of *March*, one thouſand, ſix hundred and ſixty three; which if he ſhall refuſe or neglect, the preſentation ſhall then fall to the Biſhop, *jure devoluto*, according to former Laws. And ſuchlike His Majeſtie, with advice foreſaid, doth Statute and Ordain the Archbiſhops and Biſhops to have the power of new Admiſſion and Collation to all ſuch Churches and Benefices as belong to their reſpective Sees, and which have vaked ſince the year one thouſand, ſix hundred and thirty ſeven: And to be careful to plant and provide theſe their own Kirks conform to this Act.

I V.

ACT concerning Maſters of Univerſities, Miniſters, &c.

THe King's moſt Excellent Majeſty, according to the laudable example of His Royal progenitors in former parliaments, Doth, with advice and conſent of His Eſtates conveened in this preſent parliament, Ratifie and Approve all and whatſoever Acts and Statutes heretofore made, concerning the liberty and freedom of the true Church of God, and the Religion now profeſſed and eſtabliſhed within this Kingdom: And conſidering how neceſſar it is for the advancement of Religion and Learning, for the good of the Church, and peace of the Kingdom, that the Univerſities, and Colledges be provided and ſerved with profeſſors, principals, Regents and Maſters, well effected to His Majeſty and the eſtabliſhed Government in Church and State; His Majeſty, with advice foreſaid, Doth Statute, Ordain and Enact, That from this time forth, no Maſters, principals, Regents, nor other profeſſors in Univerſities or Colledges within this Kingdom, be admitted, nor allowed to continue in the exerciſe of any Function within the ſame, but ſuch as are of a pious, loyal and peaceable converſation, ſubmitting to, and owning the Government of the Church by Archbiſhops and Biſhops, now ſetled by Law; and who having given ſatisfation therein to the Biſhops of the reſpective Dioceſſes and patrons, and having, in their preſence, taken the Oath of Alleagiance, ſhall procure their atteſtation of the ſame; that is to ſay, the profeſſors and other Maſters of the Univerſities of St. *Andrews*, *Glaſgow* and *Aberdeen*, to have the approbation and atteſtation of the Archbiſhops and Biſhops, who are the reſpective Chancellors of the ſaids Univerſities; and the profeſſors and other Maſters of the New-toun Colledge in *Aberdeen* and Colledge of *Edinburgh*, to have the approbation of the reſpective patrons, the Earl of *Marſhal*, and Magiſtrates of *Edinburgh* and *Aberdeen*, and an atteſtation and certificat under the hand of the Biſhops of *Edinburgh* and *Aberdeen*, *reſpective*, that they have taken the Oath of Alleagiance, and that they are perſones who ſubmit to, and own the Church-government as now ſetled by Law. Likeas, His Majeſty finding it neceſſary for the peace and quiet of the Church, that the Miniſters be ſuch as will acknowledge, and comply with, the preſent Government of the ſame, Doth therefore, with advice foreſaid, Statute and Enact, That whatſoever Miniſter ſhall, without a lawfull excuſe to be admitted by his Ordinary, abſent himſelf from the viſitations of the Dioceſſe, which are to be performed by the Biſhop or ſome of the Miniſters to be appointed by him, or from the dioceſian Aſſembly; or who ſhall not, according to his duty, concur therein, or who ſhall not give their aſſiſtance in all the Acts of Church-diſcipline, as they ſhall be required thereunto by the Archbiſhop or Biſhop of the Dioceſſe, every ſuch Miniſter ſo offending ſhall, for the firſt fault, be ſuſpended from his Office and Benefice till the nixt dioceſian Meeting; and if he amend not, ſhall be deprived, and the Church and Benefice to be provided as the Law alloweth in other

caſes of Vacancies. And his Majeſty conſidering, that under the pretext of Religious excerciſes, divers unlawful Meetings and Conventicles (the nurſeries of ſedition) have been kept in private families; Hath thought fit, with advice foreſaid, hereby to Declare, That as he doth, and will, give all due encouragement to the Worſhip of God in families amongſt the perſons of the family, and others who ſhall be occaſionally there for the time, ſo he doth hereby Diſcharge all private Meetings or Conventicles in houſes, which under the pretence of, or for, Relilgious excerciſes, may tend to the prejudice of the publick worſhip of God in the Churches, or to the alienating of the people from their lawful Paſtours, and that duty and obedience they owe to Church and State, And it is hereby Ordained, That none be hereafter permitted to preach in publick or in families within any Dioceſſe, or teach any publick School, or to be pedagogues to the children of perſons of quality, without the licence of the Ordinary of the Dioceſſe.

V.

ACT concerning the Declaration *to be ſigned by all perſons in publick Truſt.*

FOraſmuch as it hath pleaſed Almighty God, in His Majeſties Reſtitution to His Royal Government, to reſtore this Kingdom to its ancient liberties and peace, and to deliver His Majeſties good Subjects from theſe miſeries and bondage whereby they have been oppreſſed, during theſe troubles; And the Eſtates of Parliament, finding themſelves obliged in a due reſentment of this mercy, and in diſcharge of that duty they owe to God, to the Kings Majeſty, to the publick peace of the Kingdom, and the good of His Subjects, To uſe all means for the due preſervation of that peace and happineſs they now enjoy under His Royal Government; and to prevent and ſuppreſſe every thing that may tend to the renewing or favouring of theſe courſes, by which, the late Rebellion hath been fomented and carried on; And conceiving, that the imploying of perſons of ſound principles and intire loyalty, in all offices of Truſt and places of publick Adminiſtration, will conduce much to theſe ends: Therefore, and for quieting the ſpirits of His Majeſties good Subjects, and begetting a confidence in them of their ſecurity for the future, His Majeſty hath thought fit, with advice and conſent of His Eſtates of Parliament, to Statute, Ordain and Enact; Likeas His Majeſty, by theſe preſents, doth, with advice foreſaid, Statute, Ordain and Enact, That all ſuch perſons as ſhall hereafter be called or admitted to any publick Truſt or Office, under His Majeſties Government within this Kingdom; that is to ſay, to be Officers of State, Members of Parliament, privy Councellors, Lords of Seſſion, Commiſſioners in Exchequer, Members of the Colledge of Juſtice, Sheriffs, Stewarts or Commiſſaries, their Deputs and Clerks, Magiſtrates and council of Borroughs, Juſtices of Peace and their Clearks, or any other publick Charge, Office and Truſt within this Kingdom; ſhall at and before their admiſſion to the exerciſe of ſuch places or Offices, publickly, in face of the reſpective Courts they relate to, ſubſcribe the Declaration under-written: And that they ſhall have no right to their ſaid Offices or Benefites thereof, untill they ſubſcribe the ſame as ſaid is; but that every ſuch perſon who ſhall offer to enter and exerce any ſuch Office, before he ſubſcribe the Declaration, is to be reputed and puniſhed as an uſurper of His Majeſties Authority, and the place to be diſpoſed to another. Likeas His Majeſty doth, with advcie foreſaid, remit to His Commiſſioner, to take ſuch courſe as he ſhall think fit, how theſe who are preſently in Office may ſubſcribe the ſaid Declaration. And it is hereby Declared, that this Act is without prejudice of any former Acts, for taking the Oath of Alleagiance and aſſerting the Royal Prerogative.

I Do *ſincerely affirm and declare, that I judge it unlawful to Subjects, upon pretence of* Reformation *or other pretence whatſoever, to enter into* Leagues *and* Covenants, *or to take up* Armes *againſt the* King *or thoſe commiſſionated by Him: And that all theſe* Gatherings, Convocations, Petitions, Proteſtations, *and erecting and keeping of* Council-tables, *that were uſed in the beginning, and for carrying on, of the late troubles, were unlawful and ſeditious. And particularly, that theſe* Oathes, *whereof the one was commonly called,* The National Covenant, *(as it was ſworn and explained in the year, one thouſand, ſix hundred and thirty eight, and thereafter) and the other entituled,* A Solemn League and Covenant, *were, and are, in themſelves unlawful Oaths, and were taken by, and impoſed upon, the Subjects of this Kingdom, againſt the fundamental* Laws *and Liberties of the ſame. And that there lyeth no obligation upon me, or any of the Subjects from the ſaids* Oaths, *or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now eſtabliſhed by the Laws of the Kingdom.*

VI.

Act for ſuppreſſing of Theft, Robberies and Depredations.

OUR SOVERAIGNE LORD conſidering, That notwithſtanding the many laudable Laws made by His Royal Progenitors, for ſuppreſſing of Theft, Robberies, Depredations, &c. Yet ſome inſolent perſons have of late, and daily do commit ſeveral Out-rages, Thefts and Robberies upon the perſons and goods of divers of His Majeſties faithful Subjects, to the diſhonour of Religion, contempt of His Majeſties Authority, and reproach of the Nation. And His Majeſty being moſt willing to remedy theſe inſolencies for the future, that ſo all His good Subjects may find the fruit and effect of His happy Reſtauration, in the ſafe protection of their perſons, and ſecure poſſeſſion of their goods; Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, That whenſoever any Oppreſſions, Heriſhips, Reifs, Sornings, Thefts, Robberies or Depredations ſhall happen to be committed within any part of this Kingdom, by whatſoever perſon or perſons; the owner of the Goods away-taken ſhall immediatly after the way-taking of the ſame, by himſelf or ſome in his name, give intimation thereof to the Sheriff of the Shire or his Deputes, or any of the Juſtices of Peace or Conſtables within the Paroch out of which the Goods are taken, as can be moſt conveniently had; and which Sheriff, Juſtice of Peace or Conſtable, ſhall immediatly upon intimation foreſaid, under the pain of being lyable in the reſtitution of the Goods away-taken, or paiment of the value thereof, command and require all fenſible perſons within the ſaid Paroch, to concur and go along with them in the purſute of the ſaid Goods and Way-takers thereof; and which perſons are hereby obliged to obey under the pain foreſaid. And in caſe it ſhall happen the ſaids Theevs or Robbers, to paſs through or reſt in any other Paroch where the Juſtices of Peace, Conſtables, Heretors, Wodſetters and Fewers within the ſame are able to ſtop and oppoſe the Carrying away of the ſaids Goods, then and in that caſe the ſaids Juſtices of Peace, Conſtables, Heretors, Wodſetters and Fewers, ſhall be themſelves, tennants and ſervants, and ſuch as they can command, make oppoſition, and ſeize upon the Goods and Drivers thereof; and ſhall be obliged upon complaint made to the Sheriff or his Deputes, or any of the ſaids Juſtices of Peace, by the owners of the ſaids Goods or any having power from the owner for that effect, to reſtore the ſaids Goods within fifteen dayes after the requiring thereof, and deliver or ſecure the Drivers and Way-takers thereof, that they may underly the Law. And in caſe the committers of the foreſaid crime be ſo numerous and powerful that they cannot be ſtopt and maſtered by the inhabitants of the ſaid Paroch, then the ſaids whole fenſible inhabitants ſhall be obliged, under the pain foreſaid, to riſe in Arms and follow and purſue them, and require all the fenſible perſons in any other Paroch they ſhall happen to paſs through to joyn with them (and which perſons ſhall be obliged to do the ſame, under the pain of being lyable for the Goods or value thereof, as ſaid is) in the proſecution and recovery of the ſaids Goods, that ſo the Goods may be reſtored to the right owners, and the Depredators puniſhed according to Law. It is likewiſe Statute and Ordained, That if the purſuer of the Goods ſhall not be able, after all his utmoſt endeavours, with concurrence aforeſaid, to recover the ſaids Goods and apprehend the Way-takers thereof, then and in that caſe the reſpective Heritors, Wodſetters and Fewers within the Paroch wherein the Goods ſhall be found to have been diſpoſed of or ſparpelled, ſhall be lyable for the value of the ſaids Goods according to their ſeveral intereſts. And further it is Statute and Ordained, That in caſe it ſhall happen the parties whoſe Goods ſhall be taken away, or thoſe that are obliged to riſe with them in manner foreſaid, to ſlay, hurt ot mutilat in the ſaid purſute, any of the Way-takers thereof or their aſſociats; yet notwithſtanding they ſhall never be drawn in queſtion, nor lyable in any purſute, Civil or Criminal, for the ſaid ſlaughter, mutilation or other hurt, but are hereby as freely remitted as if they had our Soveraign Lords ſpecial Commiſſion for that effect. And for the better ſuppreſſing of the foreſaids Thefts, Robberies and Depredations, and puniſhing of the perſons committers thereof, the Sheriffs in the reſpective Shires and their Deputes, are hereby ſtrictly required to put in execution the power allowed to them by the former Acts and Laws of the Nation, for purſuing and apprehending Robbers and Theeves, with all other perſons who have no certain reſidence nor known way of livelyhood, and that under the pains contained in the foreſaid Acts *reſpective*. And for defraying of the ſaids Sheriffs and their Deputes their charges, and rewarding their pains, the Lands, Goods and Geer of the ſaids Theeves and Robbers and their Reſſetters, and the Reſſetters of ſuch perſons as have no certain reſidence nor known way of lively-hood, as ſaid is, ſhall be made uſe of and imployed, at leaſt, ſo much thereof as the Lords of His Majeſties Privy Council ſhall think fit upon conſideration of the caſe.

And further it is Statute and Ordained, That the In-bringer of every Robber and Theef, after he is outlawed and denunced Fugitive, ſhall have two hundred pounds Scots for every Theef and Robber ſo apprehended and brought in: And all Sheriffs of Counties and their Deputes, Magiſtrates of Burghs and Juſtices of Peace are hereby required to receave the ſaid Theef or Robber off their hands without delay, giving the In-bringer of the ſaid Theef or Robber a receipt thereof under his or their hands: To the end, he may repair to His Majeſties Secret Council, and receive the reward afore-mentioned.

VII.

Act for the allowance of ten thouſand pounds Scots, yearly, to the Lords of Seſſion, out of His Majeſties Cuſtoms.

THe Kings moſt excellent Majeſty taking to His conſideration, how much His own honour, the general good of the Kingdom, and the particular intereſts of His Subjects, of all ranks within the ſame, are concerned, in the ſpeedy and equal adminiſtration of Juſtice; and how neceſſar it is, in order thereunto, that the Senators of the Colledge of Juſtice, who are the only ordinar ſupream Judges of this Realm, in all Civil cauſes, be provided with a competent and ſuteable allowance for the defraying of the charge and expence they are put to, in their attendance on the diſcharge of that publick Truſt; Hath therefore, out of His princely care, thought fit to grant the ſaids Senators of the Colledge of Juſtice, an addition of ten thouſand pounds Scots to be payed unto them yearly, and that over and above the former Annuity of ten thouſand pounds granted by His Royal Grand-father, in the year one thouſand, ſix hundred, and nine, or what hath been formerly granted to them in this or any other Parliament, or otherwayes doth appertain to them. And His Majeſty conſidering, that this grant will much tend to the profit, advantage and good of His Majeſties ſervice and well-fare of His Kingdom, Doth therefore, with advice and conſent of his Eſtates of Parliament, appoint the ſame to be payed out of the Cuſtoms of this Kingdom: And for that end, His Majeſty, with advice foreſaid, and after mature deliberation had thereupon, diſſolves, annuls and infringes from the Crown and Patrimony thereof, the annexation of the Cuſtoms of this Realm, in ſo far as the ſame may be extended to the ſaid ſum of ten thouſand pounds, of the firſt and readieſt of the Cuſtoms. And now after this diſſolution, His Majeſty, with advice foreſaid, gives, grants, aſſignes and diſpones to the ſaids ordinar Lords and Senators of the Colledge of Juſtice, and their Succeſſors in the ſaid Office and Truſt, in all time coming, all and whole the ſum of ten thouſand pounds uſual money of Scotland, to be uplifted and receaved by them, and their Collectors appointed by them, at two termes in the year, Whitſunday and Mertimaſs, by equal portions, forth of the firſt and readieſt of His Majeſties Cuſtoms, or any part thereof, from his Majeſties Theſaurer, Deput-theſaurer, Receavers, Tackſ-men, Poſſeſſors, Intromettors with the ſaids Cuſtoms, and others lyable in paiment thereof, preſent and to come; beginning the firſt termes paiment thereof from the feaſt and terme of Mertimaſs laſt by paſt, one thouſand, ſix hundred, and ſixty one years, and ſo forth, yearly and termly thereafter at the termes foreſaids in all time coming; charging herefore the ſaid Theſaurer, Deputy-theſaurer, Receavers, Tackſ-men, Poſſeſſors, Intromettors with the ſaids Cuſtoms, and others lyable in paiment thereof, preſent and to come, to make thankful paiment at the termes of paiment above-written, of the foreſaid yearly ſum of ten thouſand pounds to the ſaids ordinar Lords of Council and Seſſion, their Succeſſors and Collectors in their names, out of the firſt and readieſt of the ſaids Cuſtoms; and that they be preferred in paiment thereof to all and whatſoever other perſon or perſons pretending right to the ſaids Cuſtoms or any part thereof by penſion, aſſignation, gift, or other right or diſpoſition whatſoever. And likewayes commanding the Lords of Exchequer, preſent and to come, to allow the ſame to the payers of the ſaid ſum of ten thouſand pounds, yearly and termely, in the firſt end of their accounts, upon ſight of the ſaids Lords of Seſſion, or their ſaids Collectors acquittance upon paiment thereof. And alſo, His Majeſty, with advice and conſent foreſaid, Decerns and Ordains His Majeſties Theſaurer, Deput-theſaurer, Receavers, Tackſ-men of, and Intrometters with the ſaids Cuſtoms, preſent and to come, to become enacted themſelves and find ſufficient caution, acted in the Books of Council and Seſſion, for the yearly paiment of the foreſaid ſum of ten thouſand pounds to the ſaids Lords of Seſſion and their Succeſſors, or their Collectors, at the termes and in manner above-expreſt: And at the deceaſe or dimiſſion of any of the perſons ſo enacted, that the next entrant ſhall become enacted, and find caution to the effect foreſaid. As alſo, at the ſetting of any new Tacks, the Tackſ-men find caution to the effect foreſaid; otherwayes, the ſaids whole Tacks to be null, and the nullity thereof to be decided by way either of action or exception: And that Letters and Executorials of Horning, upon an charge of ten dayes, be directed againſt them, by deliverance of the ſaids Lords of Seſſion, for paiment of the ſaid ſum of ten thouſand pounds in manner above-written. And Decernes and Ordains, That no Suſpenſion be granted in this matter, to whatſoever perſon or for whatſoever cauſe, by the Lords of Parliament, Lords of Exchequer, or other Judge whatſoever, except upon conſignation of the ſums charged for, or production of ſufficient acquittances; and that the ſaids ordinar Lords and Senators of the Colledge of Juſtice are, and ſhall be, only Judges for diſcuſſing of the ſaids Suſpenſions, diſcharging all other Judges of granting Suſpenſions, concerning the premiſſes and diſcuſſing of the ſame, and of their Offices in that part for ever. And to the foreſaid Diſpoſition and Aſſignation of ten thouſand pounds, and to the whole Heads and Articles of this Act above written, His Majeſty and Eſtates of Parliament interpones their Conſent and Authority, as to an Act which doth highly concern the good and well-fare of the Nation. And His Majeſty, for his Highneſs and His Succeſſors prõmiſes, *in verbo Principis*, never to impugn or quarrel the ſame, nor come in the contrair thereof, directly nor indirectly, in time coming, and the like execution being granted by Act

of

of Parliament in the year, one thouſand ſix hundred and nine, for payment of the ten thouſand pounds then granted to the Lords of the Seſſion; It is hereby appointed by His Majeſty and the Eſtates of Parliament, That in time comming they be paid together; and that all the execution contained in this or that former Act ſhall paſs, and be allowed for paiment of the whole twentie thouſand pounds *Scots* yearlie, as fullie as if the ſaid twenty thouſand pounds had been granted together, and in one ſum, and that this Act had been expreſlie made and granted for the ſame.

VIII.

THE KING'S MAJESTIES

General

REVOCATION.

THe Eſtates of Parliament having conſidered His Majeſties Revocation, paſt under His Royal hand, and this day preſented to them by His Majeſties Advocat, Do Ordain the ſame to be recorded in the Books of Parliament; whereof the tenour followeth.

CHARLES R.

WE CHARLES, *by the grace of* GOD, *King of* Great Britain, France *and* Ireland, Defender of the Faith, *taking to our conſideration, That during the time of the late troubles, and by occaſion thereof, many Writes, Declarations,* Ratifications *and other Deeds may have paſt Our hands, to the prejudice of the Church, Our Eſtate, Patrimony, and juſt intereſt of our* Subjects, *and derogatory to our honour, the priviledges of our Crown, and dignity of our Perſon, either before we attained to the age of twenty one years or thereafter; as alſo, that many Deeds might have paſt our Royal Fathers hands during the late wars, to the enorm hurt and leſion of His Sacred Majeſty, in all the particular wayes above expreſt, which by the Laws of this our Kingdom can no wayes be binding, or obligatory againſt us, but by vertue of the ſaids Laws may be revocked. And ſeeing, before our return to the* Government *of our Kingdoms, in* May *one thouſand, ſix hundred and ſixty, we had not the fit occaſion of Judicatories within this our Ancient Kingdom, to whom we (acccording to the practice of our Royal Anceſtors) might have directed our Revocation of ſuch Deeds: Therefore, now after that we are, by the bleſſing of Almighty* God, *returned to the exerciſe of our juſt, lawful and Royal Authority, do, by theſe preſents,* Revock, Caſs, Annul, Retreat *and* Reſcind *all Acts of pretended Parliaments, Conventions or Councils, Declarations, Treaties or* Ratifications *of the ſame; and all and ſundry Infeftments, Charters,* Gifts, Donations, Diſpoſitions, Confirmations, Penſions, Tacks, Aſſedations, *and other* Rights *and Deeds whatſoever, conveyed, ſigned or conſented to by us, to whatſoever perſon or perſons, of any* Rents, Lands, Teinds, Patronages, Offices, Few-farmes, Caſualities, Priviledges, Services *and others whatſoever, which the* Laws *and couſuetude of our ſaid Realm alloweth us to* Revock, *either paſt by us in our Minority, or ſince, at any time preceeding the twenty ninth day of* May, *one thouſand, ſix hundred and ſixty, or by our Royal Father of glorious and bleſſed memory, at any time ſince the year one thouſand, ſix hundred and thirty ſeven, to the hurt or prejudice of the Church, His or Our Honour, Eſtate, Patrimony, Priviledges of our Crown,* Dignity *of His or Our Perſon, or juſt right and intereſt of our Subjects. And We Will and* Declare, *and by our Soveraign, Royal Authority Ordain, That theſe preſents ſhall be as amply extended, and of as great force ſtrength, and effect, in general and in ſpecial, as any Revocation made by any of our* Royal *Predeceſſors, contained in the Books and* Records *of* Parliament, *which in all heads, clauſes and circumſtances thereof we Will and Ordain to be holden as here repeated. And We Will and Ordain theſe preſents to be as valide, legal and effectual to all intents and purpoſes, as if the ſame had been done and* Regiſtrate *in the Books of Parliament, before our Age of twenty five years; Proteſting ſolemnly, that the omiſſion thereof, nor our abſence forth of our ſaid Kingdom of* Scotland, *at this time, nor want of other Solemnities whatſoever, ſhall be no prejudice to us anent this preſent Revocation, with all which we do diſpence, aud do ſupplie all defects thereof by our Kingly power and Authority Royal;* Declaring *alſo, that albeit we, of favour and benevolence, and for any reſpect or conſideration whatſoever, ſuffer any perſon or perſons to uſe and enjoy any* Priviledges, *Poſſeſſions, Lands or* Rents, *Offices or any other thing falling under the compaſs of this our* Revocation, *the ſame ſhall make no right to the uſers or holders thereof, unleſs the ſame hath been granted or confirmed by us ſince the twenty ninth day of* May, *one thouſand, ſix hundred and ſixty, or ſhall be of new confirmed by us in any time hereafter: But it ſhall be lawful to us and our Succeſſors to intromet therewith, when we or they pleaſe, but any contradiction, and that by vertue of this our Revocation, and Acts and Conſtitutions of our Realm. And we do*

Declare, that the Gifts or Confirmations made and granted by us ſince the twenty ninth of May, one thouſand, ſix hundred, and ſixty, and ſuch as ſhall be granted or confirmed by us at any time hereafter, are not, nor ſhall not be comprehended within this Revocation, *but are excepted out of the ſame; which* Revocation *we Will and Ordain to be intimate. inſinuat, declared and regiſtrate in the Records of this preſent Parliament now ſitting in* Edinburgh, *and holden by our truſty and well-beloved Couſin and Councillor,* John *Earl of* Middleton, *Our Commiſſioner in Our Name and by Our Authority.* Given at Our Honour of *Hampton*-Court, the fourteenth day of July, one thouſand, ſix hundred and ſixty two, and of Our Reign the fourteenth year.

And His Majeſty, with advice and conſent of His Eſtates of Parliament, doth Declare, that this Revocation is to be extended to all and whatſoever Deeds done in hurt and prejudice of whatſoever Lands, Lordſhips and others annexed to the principallity, or to the Prince who is ſecond Perſon in this Realm. And for the clearing and further ſatisfaction of the Subjects, as to that clauſe, by which all and whatſoever Rights and Deeds, made and done by His Royal Father, are Revoked, which the Laws and Conſuetude of this Kingdom allow His Majeſty to Revoke; His Majeſty, with advice foreſaid, doth Declare, That all ſuch Deeds are only thereby to be Revoked and Reſcinded which were made againſt the Laws and Acts of Parliament in force, before the year one thouſand, ſix hundred, and thirty ſeven; And that this general Revocation ſhall be without prejudice to His Majeſty to make a more ſpecial Revocation hereafter, if His Majeſty ſhall think fit ſo to do.

IX.

Act anent the Teinds belonging to Biſhops and other beneficed perſons.

FOraſmuch, as by the Kings Decreet arbitral, in the Moneth of one thouſand, ſix hundred and twenty ſeven years, His Majeſty found, upon the Submiſſion made by the Biſhops and other Clergy, that the *quota*, or rate of all Teinds pertaining to the Biſhopricks and other Benefices which falleth under the Submiſſion, ſhould be the fifth part of the conſtant rent of Stock and Teind. In which Submiſſion, there is an expreſs Clauſe, that the Biſhops, and others of the Clergy, ſhould enjoy the fruits and rents of their ſeveral Benefices, as they were poſſeſſed by them the time of the ſaid Submiſſion. By which proviſion it appears, that whatſoever Teinds, Parſonage or Vicarage, they were in poſſeſſion of, by leading and drawing the ſame, or by rental Bolls, they were not at all to be valued by the Heritors thereafter. Like-as, till the year one thouſand, ſix hundred, and fourty one, none of the ſaids Teinds, poſſeſſed by the Biſhops and other Beneficed perſons, were valued and approven by any Commiſſion, unleſs by conſent or colluſion, none making oppoſition thereto. And it being reaſonable, that the Rights and Priviledges belonging to the Church-men in the year one thouſand, ſix hundred, aud thirty three, ſhould be reſtored to them: Therefore, the Kings Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, all valuations of the Teinds, whereof the Biſhops and other beneficed perſons were in poſſeſſion, as ſaid is, led by any pretended Commiſſion for valuation of Teinds, ſince the year one thouſand, ſix hundred, and thirty ſeaven, to be void and null in time coming; And that the ſaids Biſhops and other beneficed Perſons ſhall enter to the ſaid poſſeſſion of rental Bolls, and leading of the ſaids Teinds, Parſonage and Vicarage, this cropt and year of God, one thouſand, ſix hundred, and ſixty two years, and in time coming; Providing alwayes, like-as it is hereby provided, that the Heritors of ſuch Lands, whereof the Teithes belongs to the Arch-biſhops, Biſhops, and other beneficed perſons, being Miniſters, and were ſet in tack, the time of their ſubmiſſion to His Majeſties Father of bleſſed memory, ſhall be in that ſame place and condition they were in, by the Decreet arbitral pronounced thereupon, and by the nineteenth Act of the Parliament held, *Anno*, one thouſand, ſix hundred, and thirty three, Entituled, *Commiſſion for valuation of Teithes*, &c. and ſhall have the full benefit thereof.

X

The Kings Majeſties gracious and free Pardon, Act of Indemnity and Oblivion.

THe Kings moſt Excellent Majeſtie conſidering, that by the late troubles, divers of His Subjects, of this his ancient Kingdom of *Scotland*, have fallen under, and are involved in many great crimes, faults, offences & other deeds of commiſſion & omiſſion, whereby they have contraveened the Laws of this Kingdom, & thereby rendred themſelves lyable to the pains, penalties, cenſures due thereto: And being moſt deſirous, that a perfect peace be ſetled in this Kingdom, and that all His good Subjects may be ſenſible of, and enjoy the happineſs and bleſſings of His Government, and that no crime, offence or other deed whatſoever, committed againſt His Majeſtie, or His Royal Father of bleſſed memory, or by any of His Majeſties Subjects againſt another, in relation to the late troubles, ſhall hereafter riſe in Judgment, or be brought in queſtion againſt any of them before any Judge, Civil or Criminal, to the prejudice either of their lives, Eſtates, Offices, priviledges, Liberties or reputations: But that all ſeeds of future differences, and remembrance of former pro-

proceedings, may as well by his *Majeſty*, as by his Subjects one towards another, be forgotten; and that all names of reproach or diſtinction which have been uſed, or may revive the memory of the late differences, be buried in Oblivion. Therefore, His Majeſtie, of His ſignal prudence, Grace and Goodneſs, Doth, with advice and conſent of His Eſtates of Parliament, Declare, Statute and Ordain, That all manner of Treaſons, Rebellions, Murthers, Offences, Crimes, Contempts, Injuries, Miſdemeanors and all other Deeds, as well of comiſſion as omiſſion, commanded, acted or done by any perſon or perſons, by vertue of any power or warrand of any pretended Parliament, Council or their Committees, Commanders of Armies, or others pretending Authority, under whatſoever title, name or deſignation, ſince the firſt day of *January*, one thouſand, ſix hundred and thirty ſeven years, and before the firſt day of *September*, one thouſand, ſix hundred and ſixty, (other then ſuch as are hereafter excepted in this preſent Act) be and are hereby *Pardoned*, *Releaſed*, *Indemnified* and *Diſcharged*; and that all and every perſon and perſons or Incorporations, Acting, Adviſing, Aſſiſting or Abetting the ſame, and their Heirs, Executors, and Succeſſours (except as ſhall be hereafter excepted) are hereby *Pardoned* and *Indemnified*, and *Diſcharged* thereof, and of all pains of Forfeiture, Death, Fines, Impriſonment, Baniſhment. and other pains, Penalties, Action and Queſtion, Civil or Criminal; and of all Decreets, Sentences, Acts or Orders paſt thereupon, and all other damnage, prejudice and inconveniencies whatſoever, they or any of them might or may be lyable unto for the ſame. All which Pains, Sentences, and others foreſaids, are hereby declared void and null in all time coming; and that this Free and General *Pardon*, *Indemnity* and *Oblivion*, ſhall be as effectual in Law, to every one of his Majeſties Subjects, and bodies politick and incorporat, and perſon or perſons whatſoever, in, for and againſt all things; (which be not after excepted) as if the ſaids Perſons, Crimes, Offences, Injuries, Deeds, Miſdemeanours, Penalties, Decreets, Sentences and Orders, had been ſpecially and particularly here inſert, and in expreſſe words *Pardoned* and *Releaſed*; and that none be hereafter, in any maner of way purſued or queſtioned for the ſame, but that theſe preſents ſhall be in all caſes, in Judgment and outwith the ſame, a ſufficient defence and exoneration to all parties concerned: Diſcharging hereby, all and ſundrie Judges, Civil and Criminal, to give order for intenting any Proceſs, either at the inſtance of his Majeſties Advocat, againſt the Subjects, or at the inſtance of any of the Subjects againſt another, for any of the ſaids Crimes, Faults, Offences or other deeds, or to proceed in any Proceſs already intended, or to be intended thereanent. And His Majeſtie, with advice foreſaid, doth hereby Statute and Ordain, That every clauſe and word, in this preſent Act, be underſtood and interpreted in the moſt favourable ſenſe the expreſſion may bear, for Indemnity of the whole perſons who may have intereſt therein; Excepting alwayes from this preſent Act, and the *Pardon* and *Indempnity* therein contained, all ſuch perſons (if any be) who were guilty of, and acceſſory to, any previous tranſactions and bargains of money, for carrying on of that procedor concerning his Majeſties Perſon, condemned by the tenth Act of the firſt Seſſion of this preſent Parliament; and excepting all ſuch (if any be) who upon any contrivance were art and part of the horrid murther of his late Majeſty of bleſſed memory: And ſick-like, Excepting all private murthers, thefts, witch-crafts, inceſts, buggeries, briberies, forging of falſe Writes, perjuries, uſuries, and other crimes of that nature, not relating to the late troubles; and the Accounts of all ſuch perſons as have intrometted with any of his Majeſties Revenues, publick Impoſitions, Exciſe, Fines, Forfeitures, Sequeſtrations, and all other publick money, for which they had not Order, Warrand or Aſſignment, (for their own privat uſe) or for which they have not duly counted, and received Diſcharges thereof, from ſuch as pretended to have the Authority for the time, to do the ſame; And alſo Excepting all ſuch perſons who have been forfeited, or declared Fugitives, in this preſent Parliament, or by the Committee of Eſtates, ſince *Auguſt* one thouſand, ſix hundred, and ſixty. And particularly, Excepting the Decreets of forfeiture againſt *Archibald Campbel*, late Marqueſs of *Argyl*; *Archibald Johnſtoun*, ſometime called Sir *Archibald Johnſtoun* of *Warriſtoun*; *John Swintoun*, ſometime called of *Swintoun*; *James Guthery*, *William Govan*, *John Home*, and *William Dundaſs*, *James Campbel*, ſometime called of *Ardkinglaſs*, and *James Campbel*, ſometimes called of *Ormſay*; which Decreets are to ſtand in full force and have further execution, conforme to the tenours thereof. And ſick-like, Excepting all Decreets, Sentences, Aſſignments and Orders, paſt, given and renewed by this preſent Parliament, in favours of any perſon or perſons; And but prejudice of the generality foreſaid; Excepting ſuch perſons, as to the payment of ſuch ſums of money, as are reſpectively expreſt in another Act, paſt in this Parliament, Entituled, *Act concerning ſome exceptions from the Act of Indempnity*.

XI.

Act Salvo jure cujuſlibet.

OUR SOVERAIGN LORD, taking to conſideration, that there be many Acts of Ratification and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged. Therefore, His Majeſtie, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts, and Acts of Ratification, paſt in maner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their actions

actions and defences competent thereupon before the making of the saids particular Acts, and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt parties, according to their several rights, standing in their persons before the making of the saids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cujuslibet.*

XII.

ACT of Adjournment.

THE Kings Majesty Declares this Parliament current, and adjourns the same to the twentieth day of May next to come; Ordaining all Noblemen, Commissioners from Shires and Burroughs, and all others having interest, to attend that day; and that there be no new election in Shires or Burroughs, except upon the death or incapacity of any of the present Commissioners.

A. PRIMEROSE,

Cls. Register.

A TABLE

Of the Printed ACTS.

1 *ACt for the Restitution and Re-establishment of the ancient Government of the Church by Archbishops and Bishops.*
2 *Act for preservation of His Majesties Person, Authority and Government.*
3 *Act concerning such Benefices and Stipends as have been possessed without Presentations from the lawful Patrons.*
4 *Act concerning Masters of Universities, Ministers, &c.*
5 *Act concerning the Declaration to be signed by all persons in publick Trust.*
6 *Act for suppressing of Theft, Robberies and Depredations.*
7 *Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.*
8 *The Kings Majesties general Revocation.*
9 *Act anent the Teinds belonging to Bishops and other beneficed persons.*
10 *The Kings Majesties gracious and free Pardon, Act of Indempnity and Oblivion.*
11 *Act* Salvo jure cujuslibet.
12 *Act of Adjournment.*

FINIS.

LAWS


MAGNÆ BRITANNIÆ REX CAROLVS SECVNDVS
FIDEI DEFENSOR
Ia: Clark Sculp

LAWS AND ACTS

Paſt in the THIRD

SESSION

Of the FIRST

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND,

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

By a Noble Lord, John *Earl of* Rothes, *Lord* Leſly *and* Bambreith, *His* MAJESTIES *Commiſſioner for holding the ſame, by vertue of a* Commiſſion *under His* MAJESTIES *Great Seal of this Kingdom.*

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Begun at *Edinburgh* upon the eighteenth of *June*, 1663. and continued to the ninth of *October* thereafter.

I.

ACT anent the way and maner of Election of the Lords of the Articles.

THE WHICH DAY, The Earle of *Rothes*, His Majeſties Commiſſioner, repreſented to the Eſtates of Parliament, That it was His Majeſties expreſs pleaſure, That in the conſtitution of Parliaments, and choiſing of Lords of the Articles at this Seſſion and in all time coming, the ſame form and order ſhould be keept, which had been uſed before theſe late troubles, eſpecially in the Parliament holden in the year One thouſand, ſix hundred, and thirty three. And the manner of election of the Lords of Articles at that time being now ſeen, and conſidered, be the Eſtates of Parliament; They did with all humble duty acquieſce in his Majeſtie's gracious pleaſure, thus ſignifyed unto them. And in proſecution thereof, The Cleygy retired to the Exchequer chamber, and the Nobility to the Inner houſe of the Seſſion, (the Barons and Burgeſſes keeping their places in the Parliament houſe) The Clergy made choice of eight Noble men to be on the Articles, *viz.* The Duke of *Hamilton*, The Marqueſs of *Montroſe*, The Earles of *Errol*, *Mar*, *Eglingtoun*, *Hadington*, *Callendar*, and *Annandaile*; And the Nobility made

choice of eight Biſhops, *viz.* The Archbiſhops of Sanct-*Andrews* and *Glaſgow*, The Biſhops of *Edinburgh*, *Galloway*, *Dunkeld*, *Breichen*, *Caithnes*, and *Iſles*; which being done, the Clergy and Nobility mett together in the Inner Exchequer houſe, and having ſhewn their elections to others, the perſons elected, at leaſt ſo many of them as were preſent, ſtayed together in that roum, (whilſt all others removed) and they jointly made choice of Eight Barons, and eight Commiſſioners of Burrows, *viz* Sir *John Gilmour* of Craigmillar, Preſident of the Seſſion, Sir *James Lockhart* of Lee, Sir *James Foulis* of Collingtoun, Sir *Archibald Stirling* of Carden, Sir *Peter Wedderburn* of Gosfoord, Sir *Thomas Hamilton* of Preſton, *Murray* of Polmais, and *William Scott* of Ardroſs, Sir *Robert Murray* Proveſt of Edinburgh, Maſter *John Paterſon* of Perth, *Alexander Wedderburn* of Dundie, *Gilbert Gray* of Aberdeen, *Duncan Nairn* of Stirling, *Andrew Carſtairs* of Sanct-Andrewes, *Andrew Glen* of Linlithgow, and *William Cuninghame* of Air, Burgeſſes; And then repreſented the whole elections to his Majeſtie's Commiſſioner, who being ſatisfyed therewith, did then with the Clergy and Nobility return to the Parliament-houſe, where the liſt of the eight Biſhops, eight Noblemen, eight Barrons, and eight Burgeſſes being read, It was approven, And his Majeſtie's Commiſſioner did add to the liſt the Officers of Eſtate, And appointed the Lord Chancellour to be Preſident, in the meetings of the Lords of the Articles; who are to proceed in diſcharge of their truſt, in preparing of Laws, Acts, overtures, and ordering all things remitted to them by the Parliament, and in doing every thing elſe which by the Law and Practick of the Kingdom, belonged, or were propper to be done by the Lords of Articles at any tyme bygone.

II.

ACT againſt ſeparation and diſobedience to Eccleſiaſtical Authority.

FOraſmuch as the Kings Majeſty, conſidering the prejudices which did enſue to the Church and Proteſtant Religion, to the prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Lawes and Peace of the Kingdom, by the invaſions made upon Epiſcopal Government during the late troubles; And finding that Government, to be the Church Government, moſt agreeable to the word of God, moſt convenient & effectual for preſervation of Truth order & Unity, and moſt ſuteable to Monarchy and to the Peace and Quiet of the State; Hath therefore, with advice and conſent of His Eſtates of Parliament, by ſeveral Acts paſt in the ſecond Seſſion of this Parliament, reſtored the Church to it's ancient and right Government by Arch-biſhops and Biſhops, and hath redintigrated the eſtate of Biſhops to the exerciſe of their Epiſcopal Function, and to all the priviledges, Dignities, Juriſdictions, and Poſſeſſions due and formerly belonging thereunto. And in further order to the ſettlement of the Church, and bringing the Miniſters to a due acknowledgment of and complyance with the Government thereof thus eſtabliſhed by Law, His Majeſty, with advice foreſaid, hath alſo Statute and Ordained, That all theſe Miniſters, who entered to the Cure of any Paroch without Right or preſentations from the lawful Patrons, in and ſince the year, one thouſand, ſix hundred, and fourty nine, and ſhould not, betwixt and the twentieth of *September* laſt, Obtain Preſentations from their ſeveral Patrons, and Collation from the Biſhop of the Dioceſs where they lived, ſhould have no right to the uplifting the Rents of any Benefice or Stipend for the year, one thouſand, ſix hundred and ſixty two, but that their places, Benefices and Kirks ſhould be, *ipſo jure*, vacand: And that whatever Miniſters ſhould, without a lawful excuſe to be admitted by their Ordinary, abſent themſelves from the Dioceſian Aſſembly, or who ſhould not concur in all the Acts of the Church-diſcipline, as they ſhould be thereunto required by the Arch-biſhop or Biſhop of the Dioceſs, ſhould be for the firſt fault ſuſpended from their Office and Benefice till the next Dioceſian Meeting; and if they amend not, ſhould be deprived, and the Church and Benefice to be provided as in other caſes of vacancies. And the Kings Majeſty having reſolved to conſerve and maintain the Church in the preſent State and Government thereof by Arch-biſhops and Biſhops, and others bearing office therein, and not to endure nor give way or connivance to any variation therein in the leaſt, Doth therefore, with advice and conſent of his Eſtates conveened in this third Seſſion of His Parliament, Ratifie and approve the afore-mentioned Acts, and all other Acts and Lawes made in the two former Seſſions of Parliament, in order to the ſetling of Epiſcopal Dignity, Juriſdiction and Authority within this Kingdom; and Ordains them to ſtand in full force as publick Lawes of the Kingdom, and to be put to further execution in all points, conforme to the tenor thereof. And in purſuance of His Majeſties Royal reſolution herein, His Majeſty, with advice aforeſaid, doth recommend to the Lords of His Majeſties Privy Council, to take ſpeedy and effectual courſe, that theſe Acts receive ready and due obedience from all His Majeſties Subjects; And for that end, that they call before them all ſuch Miniſters, who having entered in or ſince the year, one thouſand, ſix hundred, and fourty nine, and have not as yet obtained preſentations and Collations, as aforeſaid, yet dared to preach in contempt of the Law, and to puniſh them as ſeditious perſons and contemners of the Royal Authority. As alſo, that they be careful, that ſuch Miniſters, who keep not the Dioceſian Meetings, and concur not with the Biſhops in the Acts of Church diſcipline, being for the ſame ſuſpended or deprived, as ſaid is, be accordingly, after deprivation, removed from their Benefices, Glebs and Manſes; and if any of them ſhall notwithſtanding offer to retain the poſſeſſion of their Benefices

fices or Manſes, that they take preſent courſe to ſee them diſpoſſeſt; and if they ſhall thereafter preſume to exerciſe their Miniſtry, that they be puniſhed as ſeditious perſons, and ſuch as contemn the Authority of Church and State.

And as His Majeſty doth expect, from all His good and dutiful Subjects, a due acknowledgment of, and hearty complyance with, his Majeſties Government, Eccleſiaſtical and Civil, as it is now eſtabliſhed by Law within this Kingdom, and that in order thereunto they will give their chearful concurrence, countenance and aſſiſtance to ſuch Miniſters, as by publick Authority are or ſhall be admitted in their ſeveral Paroches, and attend all the ordinary Meetings for divine Worſhip in the ſame; So His Majeſty doth Declare, that He will, and doth, account a with-drawing from, and not keeping and joyning in, theſe Meetings, to be ſeditious, and of dangerous example and conſequence. And therefore, and for preventing the ſame for the future, His Majeſty, with advice and conſent of His Eſtates in Parliament, doth hereby Statute, Ordain and Declare, That all and every ſuch perſon or perſons, who ſhall hereafter ordinarly and willfully withdraw and abſent themſelves from the ordinary Meetings of divine Worſhip in their own Paroch-Church on the Lords-day, (whether upon account of Popery or other diſaffection to the preſent Government of the Church) ſhall thereby incur the pains and penalties under-written, *viz.* Each Noble-man, Gentleman and Heretor, the loſs of a fourth part of ilk years Rent, in which they ſhall be accuſed and convicted; and every Yeoman, Tennent or Farmer, the loſs of ſuch a proportion of their free moveables (after the payment of their Rents due to their Maſter and Land-lord) as His Majeſties Council ſhall think fit, not exceeding a fourth part thereof; and every Burgeſs to loſe the liberty of Merchandizing, Trading, and all other Priviledges within Burgh, and fourth part of their moveables. And His Majeſty, with advice foreſaid, doth hereby authorize and require the Lords of His Majeſties Privy Council, to be careful to ſee this Act put to due execution; and for that end, to call before them all ſuch perſons as after admonition of the Miniſter, in preſence of two ſufficient witneſſes, and by him ſo atteſted, ſhall be given up to the Council as tranſgreſſors of this Act, in with-drawing from their Paroch Churches as aforeſaid; and the ſame, after hearing of the parties, being duly found, to decern and inflict the cenſures and penalties above-mentioned, and ſuch other corporal puniſhment as they ſhall think fit, and direct all execution neceſſary for making the ſame effectual, and to do every other thing they ſhall find neceſſary, for procuring obedience to this Act, and putting the ſame to punctual execution, conform to the tenor and intent thereof.

III.

Additional ACT concerning the Declaration to be ſigned by all perſons in publick Truſt.

FOraſmuch. as by an Act, paſt in the ſecond Seſſion of this Parliament, on the fifth of *September* laſt, concerning the Declaration to be taken by all perſons in publick Truſt, It is remitted to His Majeſties Commiſſioner to take ſuch courſe as he ſhould think fit, how theſe, who are preſently in Office, may ſubſcribe the Declaration; And the King's Majeſtie being reſolved, that all in publick Truſt, ſhould without further delay, ſign the ſame: But conſidering, that in this vacand time, many of the Courts of Juſtice do not ſit, ſo as ſome longer time, muſt be allowed unto them. Therefore, the King's Majeſty, with advice and conſent of His Eſtates in Parliament, Statutes and Ordains all perſons, who enjoy or poſſeſs any publick Truſt or Office within this Kingdom, as Officers of State, Members of Parliament, Privy Councellors, Lords of Seſſion, Commiſſioners in Exchequer, all Members of the Colledge of Juſtice; Sheriffs, Stewarts, Bailies of Regalities, Commiſſaries, Juſtices of Peace and their reſpective Deputs and Clerks, and all who enjoy any other publick Charge, Office or Truſt within the Kingdom, to ſubſcribe the Declaration hereunto ſubjoyned, in preſence of the ſeveral Courts they relate to, betwixt and the eleventh of *November* next to come, or ſooner, as they ſhall have occaſion or be required thereto by His Majeſties Council; Diſcharging hereby all ſuch of them, who ſhall not ſign the ſame, as ſaid is, to exerce any publick Truſt or Office within the Kingdom, after the ſaid eleventh of *November*. And that a ſpeedy account may be returned hereof, It is hereby Ordained, that the Sheriffs in the ſeveral Shires be careful in requiring due obedience to this Act, and that they and all others concerned therein, make report thereof to His Majeſties Council, betwixt and the firſt of *January* next to come. And ſeeing the election of the Magiſtrates and Council of Burghs will occur about *Michaelmaſs* next, and that ſome diſaffected perſons in Burghs, having none or ſmall advantages by their Magiſtracy, may, upon account of this Declaration, refuſe to accept any Charge or Truſt; It is therefore, by His Majeſty, with advice foreſaid, Statute, That at the next enſuing election of Magiſtrates within Burgh, all ſuch perſons who ſhall continue in, or be of new elected to be Magiſtrates, Clerks, or of the Council of Burghs, ſhall at ſuch their elections, if they be preſent, or otherwiſe, how ſoon thereafter they ſhall be required thereto by thoſe who did elect them, ſign the Declaration aforeſaid; Declaring hereby, all who ſhall refuſe or delay the ſame, to be from thenceforth not only incapable of, and to have forfaulted the priviledges of a Magiſtrate, but alſo all the priviledges of Merchandizing, Trading, and others belonging to a Burgeſs; And that the ſeveral Burghs make report of their proceedings therein to His Majeſties Council betwixt & the foreſaid eleventh of *Nov.* as they will be anſwerable upon their duty & alleagiance: And for ſuch as

ſhall hereafter be admitted to any publick Truſt or Office, they are to ſign the Declaration in the maner, and under the certifications, expreſt in the former Act of Parliament of the fifth of September. And His Majeſty doth hereby recommend to the Lords of His *Majeſties* Privy Council, to be careful that theſe Acts be put to due execution, and receive obedience conform to the tenor thereof.

I Do *ſincerely affirm and declare, that I judge it unlawful to Subjects, upon pretence of* Reformation *or other pretence whatſoever, to enter into* Leagues *and* Covenants, *or to take up* Armes *againſt the* King *or thoſe commiſſionated by Him*: *And that all theſe* Gatherings, Convocations, Petitions, Proteſtations, *and erecting and keeping of* Council-tables, *that were uſed in the beginning, and for carrying on, of the late troubles, were unlawful and ſeditious. And particularly, that theſe Oathes, whereof the one was commonly called,* The National Covenant, (*as it was ſworn and explained in the year, one thouſand, ſix hundred and thirty eight, and thereafter*) *and the other entituled,* A Solemn League and Covenant, *were, and are, in themſelves unlawful Oaths, and were taken by, and impoſed upon, the Subjects of this Kingdom, againſt the fundamental* Laws *and Liberties of the ſame*: *And that there lyeth no obligation upon me, or any of the Subjects from the ſaids* Oaths, *or either of them, to endeavour any change or alteration of the* Government, *either in* Church *or* State, *as it is now eſtabliſhed by the Laws of the Kingdom.*

IV.

Act againſt Protections.

THe Kings moſt Excellent Majeſty being careful, that the benefit of the Law in the adminiſtrations of Juſtice, be free to all His Majeſties good Subjects; And conſidering the prejudices many have formerly ſuſtained, in the ſtopping of the courſe of Juſtice, by the too frequent granting of Protections againſt perſonal execution. Therefore, and for preventing of the like for the future, His Majeſty, with advice and conſent of His Eſtates in Parliament, Doth Ratifie, Approve and Renew all former Acts of Parliament, made againſt the granting of Protections; And Diſchargeth the Lords of His Majeſties Privy Council, Seſſion and Exchequer, to grant Protections to any perſons againſt perſonal execution, certifying ſuch as ſhall grant the ſame, they ſhall be lyable for the debt againſt which they grant the Protection; and all execution ſhall paſs againſt the havers thereof, as if the ſame had not been granted.

It is alwayes hereby Declared, That notwithſtanding hereof, it ſhall be free to the Lords of His Majeſties Privy Council, Lords of Seſſion and Exchequer, and to the Juſtice-general and his Deputes, when any perſon or perſons are ſummoned and appointed to appear perſonally before them, to give order now, as they have been in uſe formerly to do, for ſuſpending perſonal execution againſt the perſons ſo ſummoned and appointed to appear, for ſuch few dayes, as they may come to give their appearance, and during their neceſſar ſtay, and ſome few dayes for their return, and that according as the ſaids reſpective Judges ſhall find reaſon, upon the particular applications to be made thereupon.

V.

Act for the eſtabliſhment and conſtitution of a National Synod.

FOraſmuch as the ordering and diſpoſal of the external Government of the Church, and the nomination of the perſons, by whoſe advice, maters relating to the ſame are to be ſetled, doth belong to His Majeſty, as an inherent right of the Crown, by vertue of His Prerogative-royal, and ſupream Authority in cauſes Eccleſiaſtical: And in proſecution of this Truſt, His Majeſty, conſidering how fit and neceſſary it is, for the honour and ſervice of Almighty God, the good and quiet of the Church, and the better Government thereof in unity and order, that there be a National Synod and Aſſembly duly conſtitute within this Kingdom, Hath therefore Appointed and Declared, and by theſe preſents Appoints and Declares, that there ſhall be *a National Synod of the Church of Scotland*; And that this Synod, for the lawfull Members thereof, ſhall conſiſt and be conſtitute of the Archbiſhops of Sanct-*Andrews* and *Glaſgow*, and the remanent Biſhops of theſe two Provinces, of all Deans of Cathedral Churches, Arch-deacons, of all the Moderators of Meetings for exerciſe, allowed by the Biſhops of the reſpective Dioceſſes, and of one Presbyter or Miniſter of each Meeting, to be choſen and elected by the Moderator and plurality of Presbyters of the ſame; and of one or two from the Univerſity of Sanct-*Andrews*, one from *Glaſgow*, one from the King's Colledge, one from *Marſhals* Colledge, of *Aberdeen*, and one from the Colledge of *Edinburgh*; And this Synod, thus conſtitute, is to meet at ſuch times and places as His Majeſty, by His Proclamation, ſhall appoint; and is to debate, treat, conſider, conſult, conclude and determine upon ſuch pious maters, cauſes and things, concerning the Doctrine, Worſhip, Diſcipline and Government of this Church, as His Majeſty ſhall from time to time, under His Royal hand, deliver, or cauſe be delivered, to the Archbiſhop of St. Andrews, Preſident of the ſaid National

National Assembly, to be by him offered to their consideration. The Estates of Parliament do humbly recognosce and acknowledge His Majesties Royal power and prerogative aforesaid, with the piety, justice and prudence of his Majesties resolution herein; Likeas His Majesty, with their advice and consent, doth hereby Establish, Ratifie and Confirm this constitution of a National Assembly, as the lawful constitution of the National Synods and Assemblies of this Church, His Majesty, or his Commissioner (without whose presence, no National Synod can be kept) being alwayes present: And Declares, That no Act, Canon, Order or Ordinance shall be owned as an Act of the National Synod of the Church of *Scotland*, so as to be of any effect, force or validity in Law, to be observed and keeped by the Arch-bishops and Bishops, the inferior Clergy, and all other persons within this Realm, (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted and agreed upon by the President and major part of the Members above-specified. It is alwayes hereby provided, that nothing be enacted or put in execution, by Authority of a National Synod within this Kingdom, which shall be contrary to his Majesties Royal prerogative or the Lawes of the Kingdom; And that no Act, Mater or Cause be debated, consulted and concluded upon, but what shall be allowed, approven and confirmed by His Majesty or his Commissioner, present at the said National Synod.

VI.

ACT anent ruinous houses in Royal Burghs.

OUR SOVERAIGN LORD being informed, that upon the high Streets of several of His Majesties Burghs-Royal, and in the vennels and other passages within the same, there be many houses in the publick view of all people resorting thereto, very ruinous and not inhabited these divers years by-gone, nor likely to be repaired by any, to the great opprobry of the saids Burghs, and common scandal of the Kingdome, as being altogether defective of that policy and good order which is, and ever hath been, so earnestly intended in the many wholsom and laudable Laws already made, by his Majesty and his Royal Progenitors of most worthy memory. And finding the Burroughs very desirous to have these many dangers and inconveniencies prevented and remeeded, which the Inhabitants of these Burghs, and the rest of the Lieges frequenting the same, do continually fear from such ruinous buildings; Doth therefore, with advice of His Estates of Parliament, Ordain the Provest and Bailies of the Burgh where such ruinous houses are, to cause warn and charge all persons, that have or pretends right to the property of such Lands and buildings, or any Annual-rents forth thereof, to cause build and repair, in a decent way, within year and day, such Houses and Buldings as have been wast and not inhabited three years before the date of this present Act, or shall be wast and not inhabited thereafter by the foresaid space of three years, or else to sell the same to others, to be builded within the same space of year and day: And to charge all known persons, personally or at their dwelling places, and by open Procliamation at the paroch-kirk or Mercat-cross of the Burgh; and all others by open Proclamation at the said Mercat-cross and Paroch-kirk. And in case of their absence out of this Realm, at the Cross of *Edinburgh*, and Peer and shoar of *Leith*, upon threescore dayes; with certification to them if they failzie, the said Provest and Bailies shall cause the saids Lands and Tenements to be valued by certain persons, to be chosen and sworn by them for that effect, and sell the same to any person that will buy them, and pay the price of the same to these owners, if they be known; and if they be not known, to consign the prices thereof in the hands of the Provest, one of the Bailies, or Dean of Gild of the said Burgh, to be forthcoming to these who have interest thereto: And if no man will buy them, it shall be lawfull to the said Provest and Bailies, after appriising thereof, as said is, and payment or consignation of the prices of the same, to cast down the said ruinous houses and cause build the same of new. And His Majesty, with advice foresaid, Declares, That it shall not be lawful in time coming, to any maner of person to pursue them nor their successors therefore, nor pretend any right or interest thereto, but that the said right shall be a perfect security to the builders thereof and their successors.

VII.

ACT discharging the Importation of Strong Waters, &c.

OUR SOVERAIGN LORD and Estates of Parliament understanding, that there are divers Stong-waters, Mum-bear and other Beer for drinking, brought into this Kingdom from forraign places, which might be more conveniently made within the Kingdom, to the benefit of the Natives thereof. Therefore, His Majesty, with consent of the saids Estates, Discharges all in-bringing of *Aqua vitæ* or Strong-waters, Mum-beer and other Beer for drinking (except Black-beer, called Spruce-beer) within this Kingdom under the pain of escheat thereof.

VIII.

ACT diſcharging the mixing of Tin with Lead.

OUR SOVERAIGN LORD and Eſtates of this preſent Parliament conſidering, the great hurt ſuſtained by His Majeſties Lieges, by the fraudulent dealing of Pewterers, in mixing the finer ſort of Tin brought from *England*, *France*, *Flanders* and other parts beyond ſea, with baſer and courſer mettal of Tin and Lead, and their exacting greater prices betwixt the new Pewter caſten by them, and the old which they receive from the Lieges. For remeid thereof, It is Statute and Ordained, that the Pewterer or founder of Tin, ſhall put the mark of the Thiſtle, and the Deacons mark, with his own name, upon every peece of work that he happens to caſt, and that the ſame ſhall be of the fineſt of the Pewter marked with the Roſe in *England*; And in caſe the ſame be under the fineſt of the ſaid Pewter of *England*, that the ſame ſhall be confiſcat, and he puniſhed in his perſon at the diſcretion of the Magiſtrats of the Burgh where he dwels: And to that effect, that there be a Say-maſter appointed by the Magiſtrats in each Burgh, for trying of the ſame. As like-wayes, that he ſhall take, betwixt the pound of old pewter and Tin, marked with the Roſe foreſaid, and the pound of new caſten by him, two ſhillings *Scots* allanerly, under the pain foreſaid.

IX.

ACT anent the diſcharging of Advocations for ſums within two hundred merks.

OUR SOVERAIGN LORD and Eſtates of Parliament conſidering, the manifold prejudices and troubles ariſing to divers of His Majeſties Lieges, in purſuing of maters of ſmal importance, by the too frequent granting of Advocations from inferiour Judges. Therefore, Our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates, diſcharges the Lords of Seſſion from giving and granting Letters of Advocation, of any actions intended or to be intended before whatſoever inferiour Judicatories, which may competently, by the Lawes of the Kingdom, be decided by the ſaids inferiour Judges, before whom the ſaid Action is or ſhall be intended, for ſums of money within two hundred Merks; or for any other cauſe whereunto, by the Laws of the Kingdom, the ſaids inferiour Judges are expreſly appointed Judges.

X

ACT in favours of Minors, anent the duties of the Lands compriſed from them.

OUR SOVERAIGN LORD conſidering, the favourable condition of Minors, who are oftentimes deſtitute of Tutors and Curators; and though they have them, yet in reſpect of their minority, they are not in capacity or credit to raiſe ſums of money for ſatisfaction of their Creditors: And it being unreaſonable, that their Creditors compriſers of their Eſtate, ſhould, during the not expiring of the legal reverſion, which, according to Law continues during their minority, have more advantage by their Eſtate then correſponds to the Annual-rent of the true ſums owing to them by vertue of their compriſings; Doth, with advice and conſent of his Eſtates of Parliament, Ratifie and approve the Act of Parliament, made in *Auguſt* one thouſand, ſix hundered, and twenty one, *Cap.* 6. in ſo far as the ſame concerns Minors; And Declares, thar the true meaning thereof was, and is, that Minors, having right to the Legal reverſion, ſhould be no further obliged during their minority of twenty one years of age, but allanerly for the Annual-rent of the ſums contained in the compriſings; and that they loſe not the right of the *ſuper-plus* of the mailes and duties of the Lands, ſo far as the ſame exceeds the ſaid Annual-rents, during their ſaid minority.

XI.

ACT againſt exportation of money forth of the Kingdom.

THe Eſtates of Parliament conſidering, how much the Kingdom is impoveriſhed by the daily exportation of money forth of the ſame; and that the making uſe of our own native Commodities, for furniſhing us with theſe things which formerly were brought to us from forraign places, is, by the commendable induſtry of ſeveral deſerving Country-men and ingenious Artiſts, much improved: And that in order to their encouragment, and that our own native Commodities may go the better off, neceſſar it is, that ſome more ſevere reſtraint then formerly be laid upon the exportation of money. Therefore, the King's Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, That no perſon or perſons whatſoever, ſhall trade or uſe merchandize with any other Nation, till firſt they take an Oath before the Lord Theaſurer or Theaſurer-depute, or before ſuch perſons as they ſhall appoint for that effect, That they

ſhall

ſhall not export by themſelves or others, directly or indirectly, by Sea or Land, any Gold or Silver, coyned or un-coyned, except ſuch a ſum as they ſhall declare upon Oath before the ſaid Lord Theſaurer, Theſaurer-depute, or theſe appointed by them, as ſaid is, to be neceſſar for making of their voyage to the port where they are going; and that if he know any money tranſported by any other perſon, he ſhall delate the ſame to the Lord Theſaurer, Principal or Depute, or to the foreſaid perſons appointed by them. As likewiſe, every Skipper ſhall, before he make any voyage after the publication hereof, to any other Kingdom or Nation, take an oath before the ſaid Lord Theſaurer or Theſaurer-depute, or theſe appointed by them for that effect, that he ſhall not himſelf tranſport, nor ſuffer any Gold or Silver, coyned or un-coyned (except as is above-excepted, and except the ſum of three ſcore pounds at moſt, which every Paſſenger is hereby allowed to carry forth of the Country for his neceſſar ſpending) to be tranſported in the Ship wherein he is Maſter, and that he ſhall uſe his outmoſt endeavour for diſcovery of the ſame, if any be: And that if after he hath made ſail, it ſhall come to his knowledge, that there is any money concealed in his Ship, or in any other Ship, he ſhall at his return, delate the ſame to the Lord Theſaurer, Principal or Depute, or to theſe appointed by them for that effect: And which perſons appointed by them, are hereby required, to give timeous notice thereof to the ſaid Lord Theſaurer or Theſaurer-depute, under the penalty of the half of the money informed to have been tranſported. And ſicklike, the ſaids Oaths ſhall be renewed and taken before the ſaids Lord Theſaurer or Depute, or theſe appointed by them, as ſaid is, by all Skippers and Merchants, at the making of every particular voyage; And both the ſaids Oaths ſhall be ſubſcribed by the reſpective parties, and inſert in the Books of Exchequer, or in the books of theſe perſons appointed by the Lords Theſaurer or Depute for that effect; For which Extracts, they ſhall pay to the keepers of theſe Regiſters twelve ſhillings *Scots* allanerly, the one thereof to be carried to the Cuſtomer, and inſert in their Books *gratis*; the other to be carried to the keeper of the Cocquet, and inſert in his Books *gratis*. And it is further Statute and Ordained, That in caſe any Merchant or Skipper, ſhall, after the publication hereof, trade with, or make any voyage to any other Kingdom or Nation, before the taking of the ſaids Oaths, and production of the Extracts thereof to the Cuſtomer and keeper of the Cocquet, that then they ſhall forfeit the fifth part of their moveables and be incapable, the Merchant of all trading, and the Skipper of having any charge of any Ship within this Kingdom in all time coming. Provided alwayes, that the taking of the Oaths above mentioned ſhall be without prejudice of ſearch for, or ſeizure of, any exported money: And if any Gold or Silver, coyned or un-coyned, ſhall, after publication hereof, be diſcovered carrying out of the Kingdom, by any perſon who hath taken the ſaid Oath, the ſame not only to be confiſcat, but the perſon or perſons owners thereof, to be proceeded againſt as perjured perſons, and further lyable to ſix moneths impriſonment. As alſo, it is hereby Declared, that notwithſtanding of the ſaid Oaths, if it ſhall at any time thereafter be legally proven, money hath been carried out of the Kingdom by the perſons takers of the ſaid Oath, the ſaids perſons ſhall be proceeded againſt as perjured perſons, and by and attour, be fined in the value of the money exported; and whatſoever money ſhall be diſcovered or ſeized upon, the one half thereof to be for His Majeſties uſe, and the other half to the informer. And the Lord Theſaurer and Theſaurer-depute are hereby required, to appoint ſufficient honeſt men, to be found at the reſpective Ports of this Kingdom, or Royal Burghs next adjacent thereto, for taking of the ſaids Oaths; And that they take bond, with ſufficient caution, from each of the perſons ſo appointed, under the pain of ſix thouſand pounds Scots, that they ſhall not ſuffer any Merchand or Skipper to uſe trade or Merchandize with any forraign Kingdom or Nation, before they have taken the ſaids Oaths; and ſhall do their utmoſt endeavours for diſcovery and ſeizure of all money carryed out of the Kingdom: And that if it ſhall be informed to them, that any money hath been carryed out of the Kingdom, they ſhall give ſpeedy and timeous notice of their information to the ſaid Lord Theſaurer or Theſaurer-depute, the one half of the foreſaid ſum of ſix thouſand pounds, in caſe of failzie, to be for His Majeſties uſe, and the other half to be given to the delator, and to be further lyable to ſix moneths impriſonment for breach of their truſt. And ſicklike, the ſaid Lord Theſaurer principal, and Theſaurer-depute, are hereby required, to cauſe the Farmerers and Collectors of the Cuſtom, and keepers of the Cocquet, to take an Oath, that the ſaids Farmerers and Collectors of the Cuſtom ſhall uſe their utmoſt endeavours, for the diſcovery and ſeizure of all money carrying out of the Kingdom by Sea or Land, either by Merchant, Skipper, or by any perſon of whatſoever quality or degree, except as is above excepted; And that they ſhall not give warrand to any Skipper to receive a Cocquet, unleſs they have received, both from the Skipper and Merchants in the Ship, extracts of the reſpective Oaths, as ſaid is; and that the keepers of the cocquets ſhall give no Cocquet, unleſs they have likewiſe received extracts of the Oaths above-mentioned, both from Skipper and Merchants; and both Cuſtomers and keepers of the cocquet to give bond, with ſufficient caution, under ſuch ſums of money as the ſaid Lord Theſaurer principal, and Theſaurer-depute ſhall think fit, for fulfilling of the premiſſes. And in caſe the ſaids Farmerers, Collectors and keepers of the cocquet, or either of them, ſhall refuſe to compear, or compearing, refuſe or delay to take the Oath, and give their Bond as aforeſaid, then their Tack, Commiſſion, Gift, or any other Title, by which they enjoy their places and charges, to be void and null, and they to be further lyable to ſuch cenſures, as the ſaid Lord Theſaurer principal, and Theſaurer-depute ſhall think fit for their contumacy. And if it ſhall be made appear to the ſaid Lord Theſaurer principal, and Theſaurer-depute, that any of the Farmerers or Collectors

of

of Cuſtom, or keepers of Cocquet, ſhall tranſgreſs the Oath and Bond above-mentioned in any part, then their Tack, Commiſſion, Gift or any other Title by which they enjoy their ſaids places, to be void and null, and they to have incurred the ſums and penalties contained in their reſpective Bonds (the one halfe thereof to be given to the informer or delator) and to be further proceeded againſt as perjured perſons; Diſcharging hereby, all granting of Licences for exporting of money; except to ſuch perſons allanerly as ſhall make faith in Exchequer, or theſe appointed by the Lord Theſaurer or Theſaurer-depute, and give ſufficient Bond, that the money which they are to carry out, is to be beſtowed upon Timber in Norway, or in order for bringing in of Victual in time of extream dearth, and that they ſhall return in ſpecie, what part of the money ſhall not be ſo beſtowed.

XII.

ACT for incouragment of Tillage and Paſturage.

OUR Soveraign Lord conſidering, how neceſſar it is, for the incouragment of the tillage of this Country, which is ſubject to ſo much toil and expence, though the improvement thereof be moſt advantagious to the whole Kingdom, That liberty be granted for the exportation of Corns, after the Natives are ſufficiently provided for. Therefore, the King's Majeſty, with advice and conſent of His Eſtates in Parliament, Statutes and Declares, That it ſhall be lawful to export Corns of all ſorts, when they are under the prices following, at the Ports or reſpective places of exportation; *viz* ilk Boll of Wheat, under twelve pounds the Boll, Beir & Barly under eight punds the boll, Oates and Peaſe, under eight marks the Boll; notwithſtanding of any former Acts, Laws or practice to the contrary, they paying the uſual cuſtom and Bullion as formerly: with this proviſion, That when the Lords of His Majeſties Secret Council ſhall judge it neceſſar, for the good of the Kingdom & preventing of dearth, they may diſcharge the exportation of Victual of all ſorts, for ſo long time as they ſhall think fit. As alſo, for improvement of the Paſturage of this Kingdom, and for incouragement of the breeders of the Beſtial thereof, It is Statute and Ordained, with advice and conſent foreſaid, that the exportation by Sea, of all ſorts of Beſtial, either Nolt, Sheep or Swine, and barrelled Fleſhes of all ſort, ſhall be free of Cuſtom, Bullion, and all other impoſitions, for the ſpace of nineteen years next after the date hereof.

XIII.

ACT for a new Impoſition upon Engliſh Commodities.

THE Eſtates of Parliament conſidering, how much it concerns the credit and wealth of the Kingdom, that our own native commodities be manufactured amongſt our ſelves, and that the endeavours of ſuch perſons as are ſetting up Manufacturies and Trades, have been, and are much retarded, by the importation of ſuch forraign commodities as may be made within the Kingdom. Therefore, and for their due encouragment, the King's Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes aud Ordains, That from and after the firſt day of *September* next, twelve pounds *Scots* upon ilk ell of broad Engliſh cloath; ſix pounds upon ilk ell of *York-ſhire* and all narrow cloath; two pounds, eight ſhillings upon ilk ell of *Searge*; thirty ſhillings upon ilk ell of caſtilians; forty eight pounds upon ilk Beaver-hat; twenty four pounds upon ilk Demy-beaver and Vigon; and three pounds upon the piece of ilk common Hat; thirty ſix pounds upon the dozen of worſtead Stockings; twenty four pounds upon the dozen of Stag-gloves; and twelve pounds upon the dozen of ſingle Stags, cordivans, Kid or Shiverings; and twenty four ſhillings upon ilk pound of Tobacco, imported either for ſale or private uſe into this Kingdom from *England*, all *Scots* money; Be exacted, levied and collected; and fourſcore *per cent.* upon all other ſorts of commodities imported into this Kingdom from *England*, and not particularly named in this Act, and upon all the growth and manufactury of that Kingdom, though imported from any other place, and that over and above all other impoſitions put upon the ſame already. And to the effect this preſent Act may be the more exactly put to execution, It is Statute and Ordained, That all Goods imported from *England*, or of the growth and manufactury of *England*, not above particularly expreſt, ſhall be valued, after ſighting, by two skilful honeſt men, upon oath, to be nominate by the Dean of Gild or his Aſſeſſors, or Magiſtrates of the Burgh, or next adjacent Burgh to the cuſtom-office, where the ſaids Goods are entered, or by the oath of the party to whom the ſaids Goods belongs, and accordingly pay the ſaid fourſcore *per cent.* And the Lords Theſaurer and Theſaurer-depute, and Lords of His Majeſties Exchequer are hereby required to take an Oath, and Bond with ſufficient caution, from the Farmers or collectors of the ſaids impoſitions, that they ſhall exactly collect the ſame, without any abatement thereof directly or indirectly; and that they ſhall not ſuffer any of the ſaids Goods to paſs or be conveyed away un-entred, and that under the penalty of the worth of the ſaids Goods, if the contrary ſhall be made appear, the one half thereof to His Majeſties uſe, and the other half to the informer, and under the pain of forfaulting their Tacks and commiſſions, and being declared incapable to farm or collect, in any time hereafter, any cuſtom, Exciſe, or other Impoſition whatſoever within this Kingdom.

And

And if any of the foreſaids Goods or Commodities ſhall be informed and made appear to be brought in, or ſhall be ſeized upon, not being entered in the Cuſtom-office, or any other Office appointed for that effect, then the ſame to be wholly confiſcat, the one half to His Majeſties uſe, and the other half to the firſt informer or ſeizer thereof.

XIV.

ACT imposing a Custom upon Corn imported from Ireland *into this Kingdom.*

THe Eſtates of Parliament conſidering, what great ſums of money are caryed out of the Kingdom, by perſons, importers of Corn hither from *Ireland*, who having ſold their Corns, export the money without bartering any of the Commodities of this Kingdom; whereby the whole Nation, particularly thoſe near adjacent parts of the Kingdom, are much impoveriſhed of money: And that it is juſt and reaſonable that the ſaids Corns ſhould bear Cuſtom, toward the increaſe of His Majeſties Revenue, proportionally with other imported Commodities, eſpecially when the Corns of this Kingdom are ſold at eaſie rates. Therefore, the King's Majeſty, with advice and conſent of His Eſtates of Parliament, Doth hereby impoſe three pounds *Scots* of Cuſtom upon ilk boll, *Linlithgow* meaſure, of Corn imported into this Kingdom from *Ireland*, after the firſt day of *September* next; and appoints thirty ſhillings *Scots* to be raiſed upon ilk boll already imported, and not yet retailed, conform to an Act of the Committee of Eſtates made there-anent, in *anno*, one thouſand, ſix hundred, and ſixty. But leaſt the more indigent ſort of people might be prejudged, by hightning the prices of the ſaids Corns in time of dearth under pretence of the ſaid Cuſtom; Therefore, the King's Majeſty, with advice and conſent foreſaid, doth hereby give power to the Lords of His Privy council to remit and diſcharge the exacting of the ſaid Cuſtom, when they ſhall find the prices of the Victual of this Kingdom, Meal and Barley *reſpective*, to exceed eight pounds the Boll; And appoints the Lords of His Exchequer to cauſe put this Act to full execution, and cauſe the foreſaid Cuſtom be exactly levied, with power to them to allow ſuch fies to the Colectors thereof as they ſhall think fit.

XV.

ACT for in-bringing of His Majesties Rents.

FOraſmuch, as His Majeſty and Eſtates of Parliament, taking to their conſideration, the great contempt and neglect of the ſeveral Fewers and others lyable in payment of His Majeſties Rents, wherethrough (notwithſtanding of the diligence and endeavours of His Majeſties Theſaurer-principal, Theſaurer-depute, and others His Majeſties Officers appointed for the management of His Majeſties Reveneue) the ſame are not payed, or otherwiſe ſo unſeaſonably payed, that it proves a great hinderance and prejudice to His Majeſties affairs. And finding ſeveral Acts of Parliament made for the timeous and ſeaſonable payment of His Majeſties Rents, as well conſtituting the time and ſitting of the Exchequer, to the effect that the perſons lyable in payment, might know both the time, place and perſons, where, when and to whom they ſhould compt and make payment of the ſaids Duties, as alſo ſuch cenſures and penalties as might induce them to due obedience thereto: particularly, the ſixty third Act, *Par.* eleventh, holden by His Majeſties Grand-father of bleſſed memory, in *anno*, one thouſand, five hundred and eighty ſeven, Ordaining the Exchequer to ſit down the firſt day of *July* yearly, and to continue to the laſt day of *auguſt* thereafter; requiring not only the Theſaurer, Comptroller, Collector, their Deputes and other Officers, to be preſent and give their attendance during the ſaid time; but alſo all perſons lyable in payment, who ought to make compt in Exchequer, to be charged by precepts to compear thereat, under the pain of fourty pounds, to be uplifted by the Theſaurer; Ordaining Letters of Horning to be directed againſt them for payment thereof, and that the ſaids perſons do attend for making of the ſaids accompts to the cloſe thereof; and in caſe of diſobedience to the ſaid Precept, that they be charged of new at the Mercat-croſs of *Edinburgh*, and in caſe of their diſobedience to the ſaid Charge, to be denounced Rebels at the ſaid Croſs; which denounciation is declared to be as ſufficient, as if the ſame were at the head Burgh of the Shire where the perſon liveth, and that the Horning be regiſtrat in the Theſaurers books or Sheriff books of *Edinburgh*. And ſicklike, by the ſixty fifth Act of the ſaid Parliament, all Chamberlains and other Receivers of His Majeſties Rents, as well heretable as moveable, are ordained to find caution to the Theſaurer in *Edinburgh*, for making compt at the ordinar time of Exchequer, and payment within twenty dayes after the terme. And alſo, by the eighty Act of the ſaid Parliament, it is Ordained, that Letters be directed, charging the Sheriffs, under the pain of rebellion, with certification, &c. to find caution, Burgeſſes Indwellers in *Edinburgh*, that they ſhall yearly make their accompts in Exchequer, and pay all things reſting owing to the Kings Majeſty, by vertue of their office. And ſicklike, by the two hundred and thirty Act, Parliament fourteenth, *anno*, one thouſand, five

hundred, and ninety four; not only the foreſaid Act is ratified and approven; but alſo, all Chamberlains, Fewers, Cuſtomers, Baillies of Burroughs, and Sheriffs, and others intromettors with the foreſaids Rents, are ordained to find caution Burgeſſes of *Edinburgh*, for yearly compearing and making compt in Exchequer. And ſicklike by another Act, Parliament fifteen, Act two hundred and ſixty two, for preventing of the prejudice that did then ariſe, through the not timeous payment of the foreſaids Rents, payable out of the High-lands and Iſles, the ſaids Fewers are Ordained to find caution to the Exchequer, for yearly and thankful payment of the yearly Rents, Duties and Services due and payable forth of the Lands poſſeſt and occupied by them, or any other in their names; wherein if they failed, their pretended Infeftments, and other Rights and Titles they have to any of their Lands, either property or ſuperiority, are declared forfault and null. Which whole Acts of Parliament *reſpective* above-mentioned, The King's Majeſty and Eſtates of Parliament, taking of new to their conſideration; and finding no means could have been more probable and conduceable, for preventing of theſe prejudices and obſtructions that have ariſen to His Majeſties Affairs, through the not timely payment of His Rents; and that the neglect of the exact putting of the ſaids Acts to execution, hath been the only fountain from whence theſe have ſprung. Therefore, and for preventing of the ſame in the future, the Kings Majeſty, with advice and conſent of the Eſtates of Parliament, doth Revive, Renew, Ratifie and Approve the foreſaids Acts reſpectively and particularly above-written of the dates, tenors and contents thereof in all points, in ſo far as the ſame are or may be extended to the payment or ſecuring of His Majeſties Rents; and Ordains the ſame to have force, and to be punctually obeyed and extended againſt all Chamberlains, Fewers, Sheriffs, Stewarts of Stewartries, Bailies of Regalities, Bailies of Burroughs, and others lyable in payment of any of His Majeſties Rents, for finding caution in Exchequer to the Theſaurer-principal and Theſaurer-depute, who are hereby required to cauſe charge the foreſaids perſons, particularly above-mentioned, at the Mercat-croſs of *Edinburgh* to compear before them, to the effect above-written; with certification, not only under the pains contained in the reſpective Acts of Parliament; but alſo, in caſe of their diſobedience, to denounce them Rebels at the ſaid Mercat-croſs of *Edinburgh*, and to be regiſtrate in the Theſaurers or general Regiſters of Hornings: Which charge, denounciation and regiſtration *reſpective*, the King's Majeſty and Eſtates of Parliament Declares to be as ſufficient, to all purpoſes and intents, as if the ſame charge were given to them perſonally at their dwelling-houſes, and the denounciation at the head Burgh of the Shire where they live, and the ſame regiſtrate in the Sheriff Books thereof. And ſick-like, His Majeſty and Eſtates of Parliament taking to their conſideration, that ſeveral of the ſaids Fewers, charged and denounced for not compearing, compting and paying of their ſaids Duties, do ly under the Proceſs of Horning, apprehending themſelves (from the diſtance of the place) ſecure, both as to their perſons and goods, to the great contempt of His Majeſties Royal Authority, ſlighting, contemning and vilipending His Majeſties Laws: And His Majeſty and Eſtates of Parliament conſidering, by the nature, duty and office of each Sheriff, Stewart and Bailies of Regalities, within their reſpective Juriſdictions, they as His Majeſties Officers are obliged, and by ſeveral Acts of Parliament (*viz.* the 30. Act Ja. 4. *Par.* 3. *Par.* 6. Act 69. Act 97. Ja. 5. *Par.* 7. *Act* 74. *Par.* 6. Ja. 6. Act 75. Ja. 6. *Par.* 6.) Ordained, to execute His Majeſties Laws, and put letters of Poinding and Caption to execution, take and apprehend the Rebels, uplift their eſtates and compt for the ſame to the Comptroller and Theſaurer, and to cauſe their Clerks give in the Regiſters of Hornings, and to up-lift His Majeſties retoured Duties, blench duties, taxations, and other duties payable to His Majeſty, as not only the ſaids Acts of Parliament, but alſo the ſeveral Rols of Exchequer, bears; Whereby it appears, both by the Law, and the nature, and duty of their Office, that they ought to execute His Majeſties Letters, and cauſe His Majeſty be payed of His Rents by the perſons lyable in payment thereof within their bounds, and that the contemners of His Majeſties Authority be duly puniſhed, and His Majeſties Laws put to execution by them as His proper Officers. Therefore, the King's Majeſty and Eſtates of Parliament Ordains, when any of the foreſaids perſons, for diſobedience to the charges given to them for payment of the Mails, Farmes and Duties, as ſaid is, are denounced Rebels and put to the horn, Letters to be directed to charge the Sheriff of rhe Shire and his Deputes, Stewarts of Stewartry, Bailly of the Regality *reſpective*, within thoſe bounds where the ſaids perſons dwells or Lands lyes, to take and apprehend their perſons and put them in warde, ay and while payment be made to the Theſaurer and Theſaurer-Depute, or others appointed by them, and an *eque* retired thereof, or to poind and deſtrinzie the readieſt goods and geer, and to make ſale of ſo much thereof; and to cauſe His Majeſties Theſaurer and Theſaurer-depute, and others appointed by them for that effect, to be compleatly payed of the ſaid ſum charged for, or to inſtruct ſufficient and exact diligence for the ſame, within twenty one dayes next after they be charged: With certification, if they failzie, the ſaids twenty one dayes being by-paſt, Letters ſhall be directed to charge them or their reſpective cautioners, to make payment thereof themſelves, under the pain of rebellion and putting of them to the horn; and if they failzie, to denounce them rebels, &c. in maner above-ſpecified.

XVI.

ACT concerning Beggars and Vagabonds.

OUr Soveraign Lord, conſidering the many laudable Acts of Parliament, made by His Majeſties Royal predeceſſors for relief of the Poor, and for conſtraining of Beggars, Vagabonds and idle Perſons to take themſelves to lawful Callings, that they might not be burdenſom and diſ-graceful to the Kingdom; Eſpecially the ſeventh Act of the ſixth Parliament of His Majeſties Royal Grand-father King *James* the ſixth of happy memory; Ordaining the names of the poor of ilk Paroch, and ſuch as muſt be neceſſarily ſuſtained by almes, to be taken up, and to tax and ſtint the perſons within the Paroch, according to the eſtimation of their ſubſtance, without exception of perſons, to ſuch weekly charges and contributions, as ſhould be thought ſufficient to ſuſtain the ſaid poor People: And the hundred and ſixty eight Act of the fifteenth Parliament King *James* the ſixth, Ratifying the former Act; With this addition, That ſtrong Beggars with their Bairns, be imployed in common Works, and that they ſhall continue ſervants therein during their life-times. And conſidering the tenth Act of the two and twentieth Parliament of His ſaid Royal Grand-father King *James* the ſixth, Recommending to all His good Subjects, to take into their ſervice poor and indigent children, declaring that they ſhall be ſubject to their ſaid Maſters, their Heirs and aſſignes, in all kind of ſervice that ſhall be enjoyned to them, untill they paſs their age of thirty years compleat, and that they ſhall be ſubject to their Maſters correction and chaſtiſement in all maner of puniſhment (life and torture excepted) and that if it ſhall happen, the ſaid perſons to abſent themſelves from their Maſters ſervice without their licence, not only to be lyable to bodily puniſhment at their Maſters diſcretion, but that all recepters of them ſhall be oblieged to reſtore them to their Maſters, within twenty four hours after they be required, otherwayes, to pay to their ſaid Maſters, ten ſhillings *Scots* for ilk dayes abſence till they be reſtored. And His Majeſty conſidering, that the chiefe cauſe, whereby the foreſaids Acts have proven in-effectual, and that Vagabonds and idle perſons do yet ſo much abound, hath been, that there were few or no common Works then erected in the Kingdom, who might take and imploy the ſaid idle perſons in their ſervice; and that now, by His Majeſties princely care, common Works for Manufacturies of divers ſorts, are ſetting up in this Kingdom; Therefore, His Majeſty, with advice and conſent of His Eſtates in parliament, Ratifies and Approves the foreſaids Acts of Parliament; with this addition, That it ſhall be leiſum to all perſons or Societies, who have or ſhall ſet up any Manufacturies within this Kingdom, to ſeize upon and apprehend the perſons of any Vagabonds, who ſhall be found begging, or who being Maſterleſs and out of ſervice, have not wherewith to maintain themſelves by their own means or work, and to imploy them for their ſervice as they ſhall ſee fit, the ſame being done with the advice of the reſpective Magiſtrates of the place where they ſhall be ſeized upon; And Ordains the Paroches where ſuch Vagabonds or idle perſons, as ſhall be found begging, were born; Or in caſe the place of their nativity be not known, the Paroches where they have any reſidence, haunt, or moſt reſort for the ſpace of three years immediatly preceeding their being ſo apprehended, who thereby are relieved of the burden of them, to make payment to the perſons or Societies that ſhall happen to imploy them, two ſhillings *Scots* money *per diem*, for the firſt year after they be apprehended, and one ſhilling *Scots per diem* for the next three years thereafter; the one half thereof to be payed by the Heretors of the ſeveral Paroches *reſpective*, and the other half thereof to be payed by the poſſeſſors and Inhabitants dwelling upon the ground of each Heretor *reſpective*. Likeas, His Majeſty, with advice and conſent foreſaid, Ordains the Heretors of each Paroch, or as many of them as ſhall happen to meet, upon publick intimation, made at the Paroch-kirk upon any Sabbath at the diſſolving of the Church from the firſt Sermon, by any of the Heretors of the Paroch, or by the imployers of the poor, to make up a ſtent Roll for maintenance of the Poor in their Paroch, who ſhall be imployed, as ſaid is, at the rate aforeſaid, the one half thereof to be payed by the Heretors, either conform to the old extent of their Lands within the Paroch, or conform to the valuation by which they laſt payed aſſeſſment; or otherwayes, as the major part of the Heretors, ſo meeting, ſhall agree, Life-renters and Wod-ſetters alwayes being lyable, during their Rights as Heretors; and the other half thereof to be laid upon the Tennents and poſſeſſors, according to their means and ſubſtance. And in caſe the ſaids Heretors, being required by any perſon or Society, imploying the poor as ſaid is, ſhall failzie to make up and deliver a ſtent Roll in maner foreſaid, with power to the perſons, Society or others intruſted by them, to charge the Heretors of each Paroch for the ſum of two ſhillings *Scots per diem*, for each one of their poor, whereof they ſhall be relieved in maner foreſaid, conform to the old extent or valuation foreſaid, at the option of the perſon or Society imploying, or theſe intruſted by them; which ſtent Roll ſhall continue and ſtand for one year after the making up thereof, either by the Heretors, or in caſe of failzie, by the Perſons or Societies imploying the poor, as ſaid is, and ſhall then be renewed from year to year, during the years above-written. Providing alſo, that the Heretours in caſe they failzie to make a ſtent Roll, as ſaid is, and be charged

conform to the old extent or valuation of their Lands, that they ſhall have relief of the Tennents and poſſeſſors of their Lands, for the one half of what they ſhall be diſtreſſed for. And His Majeſty, with conſent foreſaids, Ordains Letters of Horning to be directed hereupon, at the inſtance of the Perſons or Societies imployers of the Poor, or perſons intruſted by them, againſt the Heretors and others for payment of the ſaid daily allowance for the Poor, or againſt the recepters of them, being ſo imployed, for ten ſhillings *Scots* money *per diem*, upon fiftteen dayes only: Providing alwayes, that after examination of the caſe, the Lords of the Privy Council ſhall find cauſe for idrecting ſuch Letters; And ordains all Sheriffs, Stewarts, Bailies of Regality, Principality, Magiſtrates of Burroughs, or Juſtices of Peace and their Conſtables, to the aſſiſting in the apprehending of the ſaids Vagabonds, or in the bringing of them back to their ſervice, after they ſhall be imployed: And ſtrictly Prohibits and Diſcharges all perſons whatſoever, to oppoſe or hinder the taking or bringing back of them in maner foreſaid *reſpective*, under the pain of deforcement. Likeas, it is hereby Declared, That the Poor ſo imployed ſhall continue in the ſervice of the imployers, and under their direction and correction, in maner foreſaid, not only during the ſpace of the maintenance to be payed for them by their Paroches, in maner above-written; but alſo for the ſpace of ſeven years thereafter for meat and cloath only; Declaring alwayes, likeas it is hereby expreſly Declared, that the Burgh of *Air* nor their inhabitants ſhall no wayes be comprehended herein, but are excepted here-from in all points. And recommends to the Lords of the Privy Council, to ſee this Act and all former Acts of Parliament made againſt ſturdy Beggars and Vagabonds, put to execution, with power to them to ſupply by their order what ſhall be deficient, as to the execution of the ſaids Acts.

XVII.

ACT anent the meaſure of Coal.

OUr Soveraign Lord, conſidering, that ſeveral queſtions and debates do ariſe, betwixt the buyars of Coal, and the Cuſtomers and Receivers of the Bullion, anent the meaſure of the Chalder, by which the Cuſtom and Bullion impoſed upon the Coal ſhould be paid; Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Declare, That the rates of Cuſtom and Bullion, impoſed upon the Chalder of Coal, is and ſhall be underſtood of the *Culroſ*-chalder; and the ſaids rates exacted and paid according to that meaſure allanerly, notwithſtanding of any former Cuſtom to the contray.

XVIII.

ACT *anent the Foot-meaſure.*

THe Eſtates of Parliament conſidering, that notwithſtanding by the ancient Laws of the Kingdom, the ell is deſigned to be thirty ſeven inches, yet many uſe inches by which the ell is divided into fourty two inches, & of theſe ſmal inches, make the Foot-meaſure of a ſmaller proportion then it ought to be, to the great prejudice of the Lieges; & that the occaſion of this liberty hath been, becauſe that hitherto there hath no Standard been appointed for footmeaſure, aſwell as other meaſures. Therefor His Majeſty, with advice & conſent of His Eſtates of Parliament, Statutes & Ordains That from and after the firſt day of *June* next one thouſand, ſix hundred, ſixty four, no Work-man nor other perſon ſhall make uſe of any other Foot-meaſure, then ſuch as conſiſts of twelve of theſe inches whereof the ell contains thirty ſeven: And that this may be the better made practicable to the Lieges, Ordains an exact Standard-foot to be made by the Magiſtrates of *Edinburgh*, before the firſt of *January*, one thouſand, ſix hundred, and ſixty four, of Iron or Copper, and preſerved by the City of *Edinburgh*, for all time coming. And that all Burghs ſhall have a meaſure made according to it, and hung at their Tolbooth doors or upon their Mercat-croſſes, before the firſt of *March*, one thouſand, ſix hundred and ſixty four; And any Burgh that ſhall fail in this, ſhall be lyable to the penalty of one hundred pounds *Scots*. And Ordains, That all Wrights, Glaſiers, Maſons, and all other ſorts of publick Work-men, ſhall work by this Foot-meaſure allanerly, that the Lieges may not be abuſed by variety of meaſures. Providing alwayes, that this do infer no further priviledge to the Burgh of *Edinburgh*, in juſting of the Standard to the Shires and Burghs within the Kingdom, then the keeping of the ſame; nor to any others that have Standards of the like nature.

XIX.

ACT discharging Monday and Saturday Mercats in Royal Burghs.

OUR SOVERAIGN LORD considering, that there is much occasion given for profanation of the Lords-day in the Royal Burghs, by keeping their weekly Mercats on Monday and Saturday, and that the same may be as conveniently kept on other dayes of the week; Doth therefore, with advice and consent of His Estates in Parliament, Inhibit and Discharge all the Royal Burghs, from keeping any Mercats, in time coming, upon the Monday or Saturday, under the pain of one hundred Merks, to be payed by each of the Royal Burghs for every contravention *respective*: And allows them to change and keep their Mercats on other dayes of the week as they have done formerly, since the year, one thousand, six hundred, and fourty four, and that they make timeous intimation of the change to the next adjacent Burghs. It being alwayes Declared, that this Act is not to be extended against Fleshers in Royal Burghs, who may keep Mercat of Fleshes in their respective Burghs upon these dayes, this Act notwithstanding.

XX.

ACT anent Lint-seed, Hemp-seed and Steel.

THe Estates of Parliament, taking to consideration, the manifold mistakes and differences that do and may arise, betwixt the Farmers of Excise and Merchants, anent the exacting of Excise upon Lint-seed, Hemp-seed and Steel, which semes to be occasioned because these Commodities are not particularly excepted, in the Act of the Annuity, from payment of Excise: and being certainly informed, that the present Farmers of Excise and their Collectors, do require and exact duty of Hemp-seed, Lint-seed and Steel, contrary to the meaning of the said Act of Annuity, and of the 40 Act of this present Parliament, made for encouragment of Manufacturies. Therefore, Our Soveraign Lord, with advice and consent of His Estates of Parliament, Doth Declare, all Hemp-seed, Lint-seed and Steel to be included in the generality of the proviso of the said Act of Annuity; as also of the said fourtieth Act, whereby all materials for Manufacturies are exempted from Excise.

XXI.

ACT anent Manses and Glebs, and poinding for Ministers Stipends.

OUR SOVERAIGN LORD, considering the great difficulties which often-times the Ministers of the Gospel do meet with, in the due payment of their Rents and Stipends; So that they are sometimes forced to use legal execution by poinding, and in so doing are necessitate to carry the Goods poynded, to be apprised at the Mercat-cross of the head Burgh of the Shire, Stewartry, Bailery or Regality, many miles distant from the place where the Goods are poinded, to the great prejudice of the party and of the Goods also. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that it shall be sufficient to the Ministers foresaid, in poinding, appriſing, destrenzying the Goods of the persons deficient in payment of their Rents and Stipends, to comprise the saids Goods, by honest sworn men, upon the ground of the Lands and place where the Goods are, which shall be as sufficient, as the same were done at the saids Mercat-crosses. And because, notwithstanding of divers Acts of Parliament made of before, divers Ministers are not yet sufficiently provided with Manses and Glebs, and others do not get their Manses free at their entry; Therefore, Our Soveraign Lord, with advice foresaid, Statutes and Ordains, That where competent Manses are not already built, the Heritors of the paroch, at the sight of the Bishop of the Dioceſs, or such Ministers as he shall appoint, with two or three of the most knowing and discreet men of the paroch, build competent Manses to their Ministers, the expences thereof not exceeding one thousand pounds, and not being beneath five hundred merks: And where competent Manses are already built, Ordains the Heritors of the paroch to relieve the Minister and his Executors of all cost, charges and expences, for repairing of the foresaid Manses; Declaring hereby, that the Manses being once built and repaired, and the building or repairing satisfied and payed by the Heritors in maner foresaid, the saids Manses shall thereafter be upholden by the incumbent Ministers during their possession, and by the Heretors in time of vacancy, out of the readiest of the vacand Stipend. In like-maner Ordains, that every Minister have Fewel, Foggage, Feal and Devots, according to the Act of Parliament, made in *anno*, one thousand, five hundred, and ninety three. As also, that every Minister (except such Ministers of Royal Buroughs, who have not right to Glebs) have Grass for one horse and two kine, over and above their Gleb, to be designed out of Kirk-lands, and with relief according to the former

Acts of Parliament ſtanding in force; And if there be no Kirk-lands lying near the Miniſters Manſe, out of which the graſs for one horſe and two kine may be deſigned, or otherwayes, if the ſaids Kirk-lands be arable Land, in either of theſe caſes, Ordains the Heritors to pay to the Miniſter and his Succeſſors yearly, the ſum of twenty pounds *Scots*, for the ſaid graſs for one horſe and two kine, the Heritors alwayes being relieved according to the Law ſtanding, of other Heritors of Kirk-lands in the ſaid Paroch. And becauſe ſeveral Kirks have no Glebs as yet deſigned to them, it is hereby ſpecially provided, that in all deſignations of Glebs, Incorporat-acres, in Village or Town where the Heritor hath houſes and gardens, the ſame ſhall not be deſigned, he alwayes giving other Lands neareſt to the Kirk. And His Majeſty, with advice foreſaid, for ſpecial cauſes and conſiderations, Declares, that this preſent Act, as to the Manſes, is to have force, as the ſame had been made and dated the fourteenth of *March*, one thouſand, ſix hundred, and fourty nine.

XXII.

ACT anent Compriſings.

OUR SOVERAIGN LORD, conſidering, that ſince the firſt day of *January*, one thouſand, ſix hundred, and fifty two, before the making of the ſixty two Act of the firſt Seſſion of this Parliament, entituled, *Act for ordering the payment of debts betwixt Creditor and Debitor*, divers perſons, having right by poſterior Compriſings to the Legal reverſion of the firſt Compriſing deduced of their Debitors Eſtate, have according to the Law then in force, redeemed or ſatisfied the firſt Compriſing, and acquired the right thereof for their own better ſecurity, leſt the legal reverſion of the firſt Compriſing ſhould have expired to their prejudice. And whereas, by an Clauſe of the foreſaid Act of parliament, it is Ordained, That all Compriſings, led ſince the ſaid firſt day of *January*, one thouſand, ſix hundred, and fifty two, within year and day of the firſt effectual Compriſing, ſhall come in *pari paſſu* together, in maner, and upon the proviſions, mentioned in the ſaid Act: Which Clauſe, as it is moſt juſt as to all Compriſings led, and ſtanding un-redeemed and un-ſatisfied by the ſubſequent Compriſers having right to the legal reverſion, So it were unjuſt to prejudge thoſe, who for their own ſecurity, have redeemed or ſatisfied the firſt Compriſing, as ſaid is, according to the Law then ſtanding. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Declares, that albeit the foreſaid Act was made *ad præterita*, to regulate the diligence uſed by Compriſings at the inſtance of the Creditors: Yet it was no wayes their meaning to prejudge poſterior Compriſers, who, *bona fide*, for their own ſecurity, and for preventing the hazard of the expiration of the legal reverſion of the firſt Compriſing, did redeem or ſatisfie the ſame; And Therefore it is Statute and Ordained, That the ſaids ſecond Compriſers ſhall no wayes be prejudged of the right of the foreſaid firſt Compriſing, redeemed and ſatisfied by them; Declaring nevertheleſs, that as to the ſecond or poſterior Compriſing, ſtanding in the parties perſon who ſatisfied the firſt, the ſame ſhall only come in with the reſt of the Compriſers, *pari paſſu*, as it is provided by the foreſaid Act. As likewayes Declaring, that theſe preſents be no wayes extended to any Compriſings ſatisfied by the ſecond Compriſers, ſince the making of the foreſaid Act of Parliament, or to be ſatisfied in time coming.

XXIII.

ACT anent Sentences of Excommunication.

OUR SOVERAIGN LORD conſidering, that the proviſo in the twenty fifth Act of the firſt Seſſion of Parliament, entituled, *Act for denounceing of excommunicat perſons*, anent the exhibiting the Proceſs and Sentence of Excommunication before the Lords of Seſſion, to the end they might conſider the legality of the Proceſs, and grounds whereupon the Sentence proceeded, before any Letters of denounciation ſhould paſs againſt the excommunicat perſons, was concluded before the reſtauration of the Biſhops, and is prejudicial and derogatory to the juriſdiction of Eccleſiaſtical Authority as it is now eſtabliſhed; Doth Therefore, with advice and conſent of His Eſtates of Parliament, Retreat and Reſcind the ſaid proviſo, and Declares the ſame to be void and null.

XXIV.

ACT for additional proviſion in favours of the Univerſities.

OUR SOVERAIGN LORD and the Eſtates of Parliament, taking into ſerious conſideration, the condition of the ſeveral Univerſities of this Kingdom; And finding, that the preſent mean and incompetent proviſion of the Maſters and Profeſſors thereof, is ſo prejudicial to the flowriſhing of theſe Seminaries of Church and State, that unleſs ſome conſiderable augmentation be ſetled upon them

them for their encouragment, the ableſt and fitteſt perſons of ingenious ſpirits and education, will ſhun and avoid the undertaking of Functions in Univerſities, for want of ſuch ingenuous means as ſhould invite, entertain, encourage and obliege men ſufficient for ſuch laborious imployments, to the great decay of Learning, and detriment of all ranks of Perſons in the Kingdom: For preventing and remeeding whereof, there being an expedient propoſed, that the Archbiſhops and Biſhops, and the reſt of the inferiour Clergy, may allow ſome part yearly of their Rents, Benefices and Maintenance, for the ſpace of five years to come, as an exemplary teſtimony of their piety and zeal, for the advancement of Learning and Religion. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Doth Statute and Ordain, That for the cropts and years, one thouſand, ſix hundred, and ſixty four, one thouſand, ſix hundred, and ſixty five, one thouſand, ſix hundred, and ſixty ſix, one thouſand, ſix hundred, and ſixty ſeven, and one thouſand, ſix hundred, and ſixty eight, there be raiſed yearly, out of the Rents of ilk Archbiſhop and Biſhop, the ſum of fifty pounds for every thouſand merks of the ſaids Revenues, and the ſum of fourty pounds out of every thouſand merks of the Stipends or Benefices of every Miniſter, and ſo proportionably ſix of the hundred, as the Benefice or Stipend ſhall be valued to be more or leſs by the Biſhops of the Dioceſſes; And that the ſaids ſeveral proportions, payable by the Biſhops, ſhall be yearly given in to the Archbiſhops of the reſpective Provinces, or ſuch as ſhall have warrand from them; and that the ſaids ſeveral proportions, payable by Miniſters, ſhall be yearly given in to the Biſhops of the reſpective Dioceſs, or ſuch as ſhall have warrand from them, and for whom the ſaids Biſhops ſhall be countable: Which ſums ſo to be raiſed, ſhall be diſtributed to the ſeveral Univerſities, according to thoſe proportions which ſhall be aſſigned by His Majeſty, by a Committee to ſit at *Edinburgh*, conſiſting of the Archbiſhops of Sanct-*Andrews* and *Glaſgow*, and the Biſhops of *Edinburgh* and *Aberdeen*, and four others, whereof one to be nominat by the Viſitors of the Univerſity of Sanct-*Andrews*, and another by the Viſitors of the Univerſity of *Glaſgow*, the third by the Viſitors of *Aberdeen*, the fourth by the Council of *Edinburgh*; Hereby authorizing the Archbiſhop of Sanct-*Andrews*, and in his abſence the Archbiſhop of *Glaſgow*, to preſide in the ſaid Committee, and to appoint their diets of meeting from time to time; and the Committee to take care, that the ſums thus allotted, ſhall be put into a Stock and ſetled upon Land or otherwayes, by advice of the reſpective Biſhops, who are Chancellors of the ſaids Univerſities; and Ordains the Annualrent of the ſaid Stock to be proportioned to the Maſters and Profeſſors of each Univerſity, as the Viſitors thereof ſhall appoint. And further, His Majeſty and Eſtates foreſaid, do Ordain, that Stipends, and all Benefices of Kirks that ſhall vaik after the firſt day of February, in this following year of God, one thouſand, ſix hundred, and ſixty four, for the ſpace of ſeven years next thereafter, ſhall be up-lifted by Collector thereof, and imployed by him in the maner, and according to the proportions above-ſpecified, for encreaſing of the Stock of each Univerſity: Declaring, that the fifty two Act of the firſt Seſſion of this Parliament, *Concerning the diſpoſal of vacand Stipends*, ſhall be of no force during the ſpace of the years foreſaid; And Ordains Letters of Horning and Poinding, and all other execution neceſſary, to be directed at the inſtance of the ſaids Biſhops, or any to be appointed by them; and at the inſtance of the ſaid Collector, for the more ſpeedy in-bringing of the ſums *reſpective* above-mentioned. Further, His Majeſty and the Eſtates of Parliament, do recommend to the Lords of the Privy Council, to entertain and promote any voluntary offer or contribution, for the ends aforeſaid, to be made by Noble-men or Gentlemen, for a work ſo worthy of the publick wiſdom, piety and honour of this Kingdom. It is alwayes Declared, that this Act ſhall be without prejudice of Acts paſt in this Parliament, for allowing the vacand Stipends of the Dioceſs of *Iſles* and *Argyl* for breeding of young Schollars, the ſum being regulate by the Committee above-named; and that this Act ſhall be no preparative for laying on any burdens on the Clergy hereafter, without their own conſent.

XXV.

ACT regulating the proportions of Exciſe in the ſeveral Shires and Burghs.

THe Eſtates of Parliament, taking to their conſideration, the grievances repreſented to them by ſeveral Shires and Burghs, anent the excesſive proportions of Exciſe laid upon them by the late Act of Parliament, and what great burthen the Land-rent of the ſaids Shires and Burghs lyes under, for making up the ſaids proportions, and the great eaſe which ſeveral other Shires have in their proportions; And it being juſt and reaſonable, that all publick impoſitions of that nature, ſhould be equally diſtributed upon thoſe lyable in payment thereof. Therefore, the Kings Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, that the ſeveral Shires and Burghs of this Kingdom, ſhall, for the Moneths of November and December next, one thouſand, ſix hundred, and ſixty three, and January one thouſand, ſix hundred and ſixty four years, and in all time thereafter, be lyable in the monethly payment of the reſpective proportions under-written, *viz.* The Shire of *Edinburgh* principal, in the ſum of two thouſand, one hundred, and fourty pounds Scots money;

The

The Town of E*dinburgh*, in the ſum of two thouſand, nine hundred, thirty two pounds; The Shire of *Haddingtoun*, in the ſum of one thouſand, two hundred, fourſcore and eleven pounds; The Shire of *Berwick*, in the ſum of ſix hundred, and ten pounds, ſixteen ſhillings; The Shire of R*oxburgh*, in the ſum of ſeven hundred, threeſcore twelve pounds, ſixteen ſhillings; The Shire of *Selkirk*, in the ſum of one hundred, fourty ſeven pounds, ten ſhillings; The Shire of *Peebles*, in the ſum of one hundred, thirty ſeven pounds, ten ſhillings; The Shire of *Lanerick*, in the ſum of nine hundred, threeſcore eight pounds, eight ſhillings; The Town of *Glaſgow*, in the ſum of one thouſand, threeſcore, ſixteen pounds, four ſhillings; The Shire of *Dumfrieſe*, in the ſum of ſix hundred, fifty ſix pounds; The Shire of W*igtoun* and *Kirkcudbrugh*, in the ſum of ſeven hundred, thirty two pounds, twelve ſhillings, whereof the Stewartry of *Kirkcudburgh* is to pay the ſum of four hundred, threeſcore, one pounds, and the Shire of W*igtoun*, the ſum of two hundred, threeſcore, eleven pounds, twelve ſhillings; The Shire of *Air*, in the ſum of one thouſand, ſix hundred, thirty nine pounds, ſixteen ſhillings; The Shire of D*umbartoun*, in the ſum of two hundred, fifty four pouuds; The Shire of B*ute*, in the ſum of fifty ſeven pounds; The Shire of R*enfrew*, in the ſum of four hundred, fifty ſeven pounds, four ſhillings; The Shire of *Stirling*, in the ſum of nine hundred, and three ſcore pounds, eight ſhillings; The Shire of L*inlithgow*, in the ſum of ſeven hundred, fourſcore nineteen pounds, four ſhillings; The Shire of *Perth*, in the ſum of two thouſand, three hundred, threeſcore, fourteen pounds, ſixteen ſhillings; The Shire of *Kincardin*, in the ſum of three hundred, threeſcore, three pounds, twelve ſhillings; The Shire of *Aberdeen*, in the ſum of two thouſand, four hundred, and eighteen pounds, nineteen ſhillings; The Shire of *Bamff*, in the ſum of four hundred, fourty ſeven pounds, three ſhillings; The Shire of *Innerneſs*, in the ſum of ſeven hundred, fourſcore, fourteen pounds, eight ſhillings; The Shires of *Elgin* and *Nairn*, in the ſum of five hundred, fourſcore ſixteen pounds, four ſhillings; The Shire of *Cromarty*, in the ſum of twenty four pounds; The Shire of *Argyl*, in the ſum of four hundred, fourty three pounds, ſixteen ſhillings; The Shire of F*iſe* and *Kinroſs*, in the ſum of three thouſand, ſix hundred, and eight pounds, eight ſhillings; The Shire of *Forfar*, in the ſum of one thouſand, twenty four pounds, four ſhillings; The Town of *Dundee*, in the ſum of ſeven hundred, and eighteen pounds, four ſhillings; The Shire of S*utherland*, in the ſum of threeſcore twelve pounds, twelve ſhillings; The Shire of *Caithneſs*, in the ſum of one hundred, fifty three pounds, four ſhillings; The Shire of *Orknay* and *Zetland*, in the ſum of two hundred, fourty three pounds, ſixteen ſhillings; The Shire of *Clackmannan*, in the ſum of two hundred, and ſix pounds, two ſhillings; And the Shire of *Roſs*, in the ſum of two hundred and four pounds, money foreſaid; Any thing in the ſaid Act of Parliament to the contrary notwithſtanding, which is hereby, Declared to be of no force or effect, as to the proportions of the ſaid Exciſe. after the ſaid firſt day of *November* next.

XXVII.

An humble Tender to His Sacred Majeſty, of the duty and loyalty of His ancient Kingdom of Scotland.

FOraſmuch, as the Eſtates of Parliament, upon conſideration of the great bleſſings this Kingdom enjoyeth, under the protection of His Majeſties Authority and the adminiſtrations of His Royal Government; being thereby not only delivered from their former troubles, and all the evils which attend ſuch uſurpations, but being fully reſtored to, and poſſeſt of, all the liberties and priviledges of a free people; Have, by their ſeveral addreſſes to His Sacred Majeſty, made offer of their lives and fortunes, and all that is deareſt to them, for the advancement of His Royal Honour, Authority and Greatneſs. And this Kingdom being ſtill more and more ſenſible of this their happineſs, by the often and renewed expreſſions of His Majeſties grace & favour, and of His tenderneſs and care of their preſervation, in the peaceable and ſecure enjoyment of their Religion, Laws, Liberties and Properties; Do find themſelves the more obliged to renew the expreſſions of their duty and loyalty to His Majeſty. And therefore, the Eſtates of Parliament, of this His Majeſties ancient Kingdom of *Scotland*, do, in name and behalf of all His Majeſties good Subjects within the ſame, by theſe preſents, renew the dutiful tender of their lives and fortunes, for the promoving of His Majeſties Service and the advancement of His Royal Authority. And as they do chearfully recognoſce His Majeſties Royal Prerogative and undoubted Right of the ſole power of raiſing, arming and commanding of *His* Subjects; So, in a further acknowledgment of their duty, they do make humble and hearty offer to *His* Majeſty, of twenty thouſand Foot-men and two thouſand *Horſe*-men, ſufficiently armed, and furniſhed with fourty dayes proviſion, to be raiſed from the ſeveral Shires of the Kingdom, according to the Proportions following, *viz.* From the Shires of *Roxburgh* and *Selkirk*, one thouſand, three hundred, thirty three Foot, and one hundred, fourty, eight *Horſe*. From the Shire of *Berwick*, eight hundred, Foot, and ſeventy, four *Horſe*. From the Shire of *Edinburgh*, eight hundred Foot, and ſeventy four *Horſe*. From the Shire of *Haddingtoun*, eight hundred Foot, and ſeventy, four *Horſe*. From the Shire of *Peebles*, two hundred, ſixty ſix Foot, and twenty nine *Horſe*. From the Shire of *Linlithgow*, three hundred, thirty three Foot, and forty two *Horſe*. From the Burgh of *Edinburgh*, *Lieth* and C*anongate*, eight hundred Foot.

From

From the Shire of *Dumfries*, eight hundred Foot, and eighty eight Horſe. From the Shire of *Wigtoun*, eight hundred Foot, and eighty eight Horſe. From the Shires of *Air* and *Renfrew*, one thouſand, three hundred, thirty three Foot, and one hundred, ſeventy, ſix Horſe. From the Shire of *Lanerick*, one thouſand Foot, and one hundred, fourty, eight Horſe. From the Shires of *Stirling* and *Clackmannan*, ſix hundred ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Fife* and *Kinroſs*, one thouſand, ſix hundred Foot, and one hundred, ſeventy, ſix Horſe. From the Shire of *Perth*, one thouſand, ſix hundred Foot. and one hundred, ſeventy, ſix Horſe. From the Shire of *Forfar*, one thouſand Foot, and one hundred and three Horſe. From the Shire of *Kincardin* and *Marſhals* part of *Aberdeen*, eight hundred Foot, and ſeventy four Horſe. From the reſt of *Aberdeen* and Shire of *Bamff*, one thouſand, ſixty ſix Foot, and one hundred ſeventy ſix Horſe. From the Shires of *Elgin*, *Nairn*, and this ſide of *Neſs*, one thouſand Foot, and eighty eight Horſe. From the Earl of *Seafort* and Lord *Lovat*, their diviſion of *Innerneſs*, ſix hundred, ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Sutherland* and *Caithneſs*, and the reſt of *Innerneſs*, one thouſand, ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Argyl*, *Dumbartoun* and *Bute*, eight hundred Foot. From the Shire of *Orknay*, ſix hundred, ſixty ſix Foot, which Forces are to be in readineſs, as they ſhall be called for by His Majeſty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for ſuppreſſing of any forreign invaſion, inteſtine trouble or inſurrection, or for any other ſervice wherein His Majeſties Honour, Authority or Greatneſs may be concerned. And for the better proſecution hereof, the Eſtates of Parliament do humbly entreat, His Majeſty may be graciouſly pleaſed to give Commiſſions to ſuch perſons to be general Officers, Colonels, Lieutenant-collonels, Majors and Rute-maſters, as His Majeſty, in His Royal judgment, ſhall think fit; And for other Officers, or any other thing fitting to be done for perfecting of the Levies and carrying on of this buſineſs, they do humbly recommend to His Majeſty, to give His direction therein to His Privy Council, who are hereby impowered with Commiſſion and Authority, for the ordering, diſpoſing and ſole managing of this Affair, in ſuch a way, as this dutiful offer of the Parliament to His Majeſty may be made moſt effectual, and according to the inſtructions and commands they ſhall receive from His Majeſty. And the Eſtates of Parliament do Declare, that if His Majeſty ſhall have further uſe of their ſervice, this Kingdom will be ready, every man betwixt ſixty and ſixteen, to joyn and hazard their lives and fortunes, as they ſhall be called for by His Majeſty, for the ſafety and preſervation of His ſacred Perſon, Authority and Government.

XXVII.

ACT asſerting His Majeſties Prerogative in the ordering and diſpoſal of Trade with forraigners.

THe Eſtates of Parliament conſidering, that during the late troubles, divers invaſions were made upon the Royal Prerogatives of the Crown; And that in a juſt abhorrence thereof, and in a due ſenſe of the happineſs they enjoy under His Majeſties Government, they are oblieged on all occaſions to vindicate and aſſert the ſame, in the ſeveral branches thereof: And ſince the ordering and diſpoſal of Trade with forraign Countries, and the laying of reſtraints and impoſitions upon forraign imported Marchandizes, is, by the Law of Nations, acknowledged to be proper to, and inherent in, the perſons of all free Princes, as an undoubted Prerogative of the Crown. They therefore, in a dutiful and humble recognizance of His Majeſties Prerogative-royal, do Declare, That the ordering and diſpoſal of Trade with forraign Nations, and the laying of reſtraints and impoſitions upon forraign imported Commodities, doth belong to His Majeſty and His Succeſſors, as an undoubted Priviledge and Prerogative of the Crown; And that by vertue thereof, they may lay ſuch impoſitions and reſtraints upon imported forraign Commodities, and ſo order and diſpoſe upon the Trade of them, as they ſhall judge fit for the good of the Kingdom. Likeas, the King's Majeſty, with advice and conſent of His Eſtates in Parliament, doth hereby Reſcind and Annul all Acts, Statutes, Conſtitutions and Cuſtoms to the contrary; And Declares the ſame void and null in all time coming.

XXVIII.

COMMISSION for plantation of Kirks and valuation of Teinds.

THe King's moſt Excellent Majeſty, being deſirous to proſecute the work of valuation of Teinds and plantation of Kirks, in reference to His own intereſt for the annuity, and the univerſal good of His people, eſpecially for the incouragment of the Miniſters of the Goſpel; Doth with advice and conſent of His Eſtates of Parliament, Ratifie and Approve the nineteenth Act of the Parliament, holden at *Edinburgh* by His Royal Father of bleſſed memory, in *anno*, one thouſand, ſix

hundred and thirty three, (entituled, Commiſſion for valuation of Teinds,) in the whole heads, clauſes and conditions thereof, except in ſo far as there hath been any alterations made therein, by Acts and Commiſſions made and granted by His Majeſty ſince the date of the ſaid Act, or granted by any pretended Parliaments ſince, and which are Ratified, Salved or Reſerved by this preſent Parliament; and which alterations are not deſtructive of, and contrary to, this preſent Act, or any clauſe thereof. And ſicklike, Ratifies and Approves the ſixty one Act of the firſt Seſſion of this preſent Parliament, entituled, Commiſſion for plantation of Kirks, &c. in the whole Heads, Articles and Clauſes thereof, except in ſo far as the ſame may be contrary to this preſent Act, as ſaid is. And His Majeſty, with advice and conſent foreſaid, gives full power and commiſſion to *James* Archbiſhop of St. Andrews; *William* Earl of Glencairn, Chancellor; *John* Earl of Rothes, Theſaurer; *Alexander* Archbiſhop of Glaſgow; *William* Earl Marſhal, Privy-Seal; *Duke* of Hamiltoun; *Marqueſs* of Montroſe; Earl of *Lauderdail*, Secretary; Earl of *Eglinton*; Earl of *Linlithgow*; Earl of *Kelly*; Earl of *Haddington*; Earl of *Annandail*; Earl of *Leiven*; Earl of *Tweddail*; *George* Biſhop of Edinburgh; *James* Biſhop of Galloway; *George* Biſhop of Dunkel; Biſhop of Aberdeen; *John* Biſhop of Roſs; *Robert* Biſhop of Dumblane; Biſhop of Orknay; *William* Lord Bellenden, heſaurer-depute; Sir *John Gilmore*, Preſident of the Seſſion; Sir *Archibald Primeroſe*, Clerke Regiſter; His Majeſties Advocat; Sir *John* Home of Renton, Juſtice Clerk; Sir *James Lockhart* of Lee; Sir *John Scougal* of whitekirk; *Charles Maitland* of Halton; Sir *Thomas Hamiltoun* of Preſton; Sir *John Wauchop* of Nidrie; Sir *Robert* Fletcher of Salton; Sir *Henry Wardlaw* of Pitrevy; *William Scot* of Ardroſs; Sir *Andrew Ramſay*, Provoſt of Edinburgh; Sir *Robert Murray* there; Sir *Archibald Sydſerf*; Sir *Alexander Wedderburn*; Sir *William Thomſon*; *John Miln*; *Robert Lentron*, Provoſt of St. Andrews; Mr. *John Paterſon*, Provoſt of Perth; *William Seatoun*, Provoſt of *Haddingtoun*; or any fifteen of them; whereof three of the Clergy, three of the Nobility, three Officers of State, three Commiſſioners of Shires, and three of Burghs; of which number, the Archbiſhop of St. *Andrews*, or the Chancellor, or the Theſaurer, or the Archbiſhop of *Glaſgow*, or the Privy-Seal, or the Secretary, or the Duke of *Hamiltoun*, or the Earl of *Haddingtoun*, or any of them, being alwayes one, to meet and conveen at *Edinburgh*, the day of one thouſand, ſix hundred and ſixty years; and at ſuch other place or places, times and diets as they ſhall appoint, to value, and cauſe be valued, whatſoever Teinds, great or ſmall, Parſonage or Vicarage, of whatſoever Lands within this Kingdom, lyable to the payment of Teinds, which are yet un-valued; Excepting alwayes the Teithes of the Archbiſhops, Biſhops and other beneficed perſons, whereof they were in real and actual poſſeſſion, by leading and collecting the ſame, in the year, one thouſand, ſix hundred and twenty eight; And with proviſion, that they be not prejudged of the Fruits and Rents of their ſeveral Benefices, as the ſame was poſſeſt by them, *anno*, one thouſand, ſix hundred and thirty ſeven, conform to the Submiſſion made by the Biſhops to His Majeſty in the ſaid year, and Decreet arbitral following thereupon: With power to the ſaids Commiſſioners, or *quorum* foreſaid, to appoint Sub-commiſſioners, conform to the former Acts and Commiſſions for valuation of Teinds, and receive reports from them. And with power to them, where Miniſters are not already ſufficiently provided, or have not Localities aſſigned to them for their Stipends, out of the Teinds within the Paroch where they ſerve the Cure, to modifie, ſettle and appoint conſtant local Stipends to ilk Miniſter, out of the Teinds of the Paroch where they ſerve the Cure, in ſo far as the ſame will amount to, according to the quantities of victual or money mentioned in the ſaids Acts and Commiſſiones, and to decide and proportion the ſaids Localities. And with power too diſ-joyn to large and ſpacious Paroches, to cauſe erect and build new Churches, to diſmember and annex Kirks, as they ſhall think juſt; and to take order, that every Heretor and Life-renter ſhall have the leading and buying of their own Teinds, if they be willing, according to the rates preſcribed by former Commiſſions; Particularly, by the Commiſſion granted by His Majeſty, with conſent of the Eſtates of parliament, in *anno*, one thouſand, ſix hundred and thirty three; with power to them to determine all queſtions concerning the prices of Teinds, betwixt Titulars and others having right thereto, and the Heretors; and to appoint ſuch ſecurities, in favours of the Titulars and others having right to the Teind, for the prices to be granted by Heretors, payers of the valued duties, or buyers of the ſaid Teinds, and in favours of the Miniſters, as to their maintenance, as the ſaids Commiſſioners ſhall think fitting, according to the rule ſet down in the ſaids former Acts, namely in the ſaid Act, *anno*, one thouſand, ſix hundred and thirty three. Declaring, That where the Vicarage of any Paroch is a ſeveral Benefice and Title from the Parſonage, the ſame ſhall be ſeverally valued; to the effect, the Titulars or Miniſters ſerving the Cure, having right to the ſaid Vicarage, be not fruſtrat of the true worth thereof; And that Titulars, and others having right to Teinds, ſhall not be forced to diſpone any Teinds, valued or to be valued, which ſhall be aſſigned, diſponed and allocat to the Miniſter ſerving the Cure of the Paroch. As alſo, with power to the ſaids Commiſſioners or *quorum* foreſaid, to rectifie whatſoever Valuations, led or to be led to the enorm prejudice of the Titulars, and to the hurt and detriment of the Kirk, and prejudice of the Miniſters maintenance and proviſions, or of His Majeſties Annuity. Provided alwayes, likeas it is hereby expreſly provided, that where Valuations are lawfully led, againſt all parties having intereſt, and allowed by former Commiſſiones, the ſame ſhall not be drawn in queſtion, nor rectified upon the pretence of enorm leſion, at the inſtance of the Miniſter (not being Titular) or at the inſtance of His Majeſties Advocat, in reſpect of His Majeſties Annuity, except it be proven that colluſion

was

was uſed betwixt the Titulars and Heretors, or betwixt the Proctor-fiſcal and Heretors and Titulars; which colluſion is declared to be, where the Valuations are led with the diminution of the third of the juſt Rent, which diminution ſhall be proven by the parties Oaths. And albeit all the Acts of the pretended Parliaments, in the years, one thouſand, ſix hundred, and fourty, one thouſand, ſix hundred, and fourty one and thereafter, are declared, by an Act of this Parliament, null and of no avail in all time coming: Yet, it is hereby Declared, That all and whatſoever Valuations, Acts, Sentences and Decreets, done and paſt by any Commiſſions granted by the ſaids pretended Parliaments, with all executions uſed or to be uſed thereupon, are and ſhall be as valide in all time coming, as if the ſaids Valuations, Acts, Sentences and Decreets, had been given and pronounced by perſons legally impowered to that effect, any thing in the foreſaid reſciſſory Act to the contrary notwithſtanding; Excepting ſuch Decreets of Valuation, modification of Stipends, or augmentations thereof, paſt and granted ſince the year, one thouſand, ſix hundred, and thirty ſeven, whereby the ſaids Archbiſhops or Biſhops are prejudged of any part of their Rents, whereof they were in poſſeſſion in the ſaid year thirty ſeven. And although, by a ſpecial Act of this preſent Parliament, the pretended Parliament, holden in *anno*, one thouſand, ſix hundred, and fourty nine, and in the beginning of the year, one thouſand, ſix hundred and fifty, is, from the beginning, Declared void and null, and all that had followed thereupon; Yet nevertheleſs, His Majeſty doth, with advice foreſaid, authorize all Valuations, Acts, Decreets and Sentences, led, deduced and pronounced by the Commiſſions, one or moe, appointed by the ſaid pretended Parliament, for plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting ſuch Decreets and Sentences, given in favours of Miniſters for their Stipends, or for dividing, uniting, annexing or building of Kirks, which ſhall be found to have been unjuſtly or exorbitantly decerned: The determination whereof is hereby referred by His Majeſty, with conſent foreſaid, to the ſaids Commiſſioners, that they, after hearing of parties and conſideration of particulars, may take ſuch courſe, for altering, annulling, or allowing of the ſaids Acts, Decreets and Sentences, as they ſhall think fitting, conform to the Laws, practick and Cuſtom obſerved preceeding the year, one thouſand, ſix hundred, and fourty nine; And ordains Proceſſes, upon ſupplications, to be ſummarily granted, parties alwayes being cited, and that without any reduction. And it ſhall be lawful to the ſaids Commiſſioners, or *quorum* foreſaid, to proceed in all Summons and Actions to be intended for that effect, within the ſpace of two years after the firſt down-ſitting of the Commiſſion. And whereas it may fall out, that ſome of the ſaids Commiſioners, may be un-able to attend the ſervice, through death, ſickneſs, or other known impediment; Therefore, His Majeſty Declares, that He ſhall be careful to fill their places with other perſons qualified, whoſe oaths for faithful diſcharge of the ſame ſhall be taken by the Lord Chancellor, or in his abſence, by the Preſident of the ſaid Commiſſion for the time; And Ordains this preſent Commiſſion to endure ay and while the ſame be diſcharged by His Majeſty; and the Acts, Decreets and Sentences thereof, to have the force, ſtrength and effect of a Decreet and Sentence of Parliament, and the Lords of Seſſion to grant and direct Letters of Horning, Poinding and others requiſit, in maner contained in the foreſaids Commiſſions. And conſidering, that it was the will and pleaſure of His Majeſties Royal Father, that all Heretors, who ſhould be willing to buy, ſhould have their own Teinds, at reaſonable rates; Therefore, His Majeſty, with advice foreſaid, Statutes and Ordains, That all Heretors, whoſe Teinds are not valued, (excepting as is formerly excepted in this Commiſſion) ſhall have liberty to value and buy the ſame, at ſuch rates as is contained in the Acts of Parliament, one thouſand, ſix hundred, and thirty three. With power to the ſaids Commisſioners, to augment the ſaids rates according to the burden of augmentation, and others ſuſtained by the Titulars ſince the ſaids Acts; and the ſaids Heretors to have the liberty of buying, as ſaid is, within the ſpace of three years after the Valuation. With this Declaration alwayes; That in caſe the impediment, during the time foreſaid, flow from the Titular, by reaſon of his minority or other in-ability; in that caſe, the Heretor who offers himſelf ready to buy his own Teind, within the ſpace foreſaid, ſhall have place, ſo ſoon as the impediment is removed, to buy his Teinds, notwithſtanding of the expiring of the years and ſpace above-expreſt. And it is Declared, that if the Heretor be Minor, and his Tutors neglect the buying of his Teinds within the foreſaid ſpace, the Minor ſhall have action for two years after his minority, to compel the Titular for ſelling of his ſaids Teinds; And His Majeſty, with conſent foreſaid, hereby diſcharges all former Commiſſions, Declaring the ſame to be expired.

XXIX.

ACT anent penal Statutes.

THe King's moſt Excellent Majeſty, having, out of His grace and goodneſs to His Subjects, granted an full and free Act of Indemnity, Pardon and Oblivion, for all crimes and offences committed by them, relating to the late troubles, and more fully expreſt in the tenth Act of the ſecond Seſſion of this Parliament. And conſidering, that beſides theſe, there be divers arbitrary and pecunial pains adjected to penal Statutes, which being ſtrictly exacted, would prove an heavy burden to the Subjects who may be lyable thereto. And His Majeſty being deſirous, now at the cloſe of this His firſt Parliament, that all His good Subjects may find the effects of His mercy, as to exceed all former preſidents, ſo to be beyond their own expectation; Hath therefore thought fit, with the advice and conſent of His Eſtates of Parliament, by theſe preſents, to diſcharge, Pardon and remit all contraveeners of any penal Statutes, for all deeds heretofore done by them, contrary to the tenour thereof; Excepting the Statutes concerning the unlawful taking of Uſury, tranſporting of Silver and Gold, ſlaying of red and black Fiſh, and all Acts and Statutes paſt in this preſent Parliament, which are no wayes diſcharged by this preſent Act.

XXX.

A *CT Salvo Jure cujuſlibet.*

OUR SOVERAIGN LORD and Eſtates of Parliament, conſidering, that in this laſt Seſſion of this preſent Parliament, many particular Acts and Ratifications have been paſt, wherein divers Clauſes may be inſerted, prejudicial to the rights and intereſts of ſeveral perſons, albeit it hath alwayes been His Majeſties purpoſe and meaning, and the purpoſe and meaning of the Eſtates of Parliament, in this, as in all preceeding Parliaments, That all particular Acts and Ratifications, general or ſpecial, howſoever conceived (where perſons concerned have not been heard, for their Intereſt before the paſſing thereof) ſhould not prejudge private Rights of parties. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all particular Acts and Ratifications whatſoever, paſt in this laſt Seſſion of this preſent Parliament, ſhall be interpreted *Salvo jure cujuſlibet*; Excepting alwayes, an Act and Ratification paſt in this Seſſion of Parliament, in favours of the Duke and Dutcheſs of *Buccleuch*, of their Contract of Marriage, which is Declared by His Majeſty and Eſtates of Parliament, no wayes to be comprehended herein.

Extracted from the Records of Parliament, by Sir Archibald Primeroſe *of* Cheſter *Knight and Barronet, Clerk of His* Majeſties *Council, Regiſters and Rolls.*

A. PRIMEROSE,

Cls. Regiſter.

FINIS.

A TABLE

Of the Printed ACTS.

1 *ACT anent the way and maner of Election of the* Lords *of the Articles.*
2 *Act againſt ſeparation and diſobedience to Eccleſiaſtical Authority.*
3 *Additional Act concerning the Declaration to be ſigned by all perſons in publick Truſt.*
4 *Act againſt Protections.*
5 *Act for the eſtabliſhment and conſtitution of a National* Synod.
6 *Act anent ruinous houſes in Royal* Burghs.
7 *Act diſcharging the importation of Strong-waters*, &c.
8 *Act diſcharging the mixing of Tin with Lead.*
9 *Act anent the diſcharging of Advocations for ſums within two hundred merks.*
10 *Act in favour of Minors, anent the duties of the Lands compriſed from them.*
11 *Act againſt exportation of money forth of the Kingdom.*
12 *Act for encouragment of Tillage and Paſturage.*
13 *Act for a new Impoſition upon Engliſh Commodities.*
14 *Act impoſing a Cuſtom upon Corn imported from* Ireland *into this Kingdom.*
15 *Act for in-bringing of His Majeſties Rents.*
16 *Act concerning Beggars and Vagabonds.*
17 *Act anent the meaſure of Coal.*
18 *Act anent the Foot-meaſure.*
19 *Act diſcharging Monday and* Saturday *Mercats in Royal Burghs.*
20 *Act anent Lint-ſeed, Hemp-ſeed and Steel.*
21 *Act anent Manſes and Glebs, and poinding for Miniſters* Stipend.
22 *Act anent Compriſings.*
23 Act *anent* Sentences *of Excommunication.*
24 Act *for additional proviſion in favours of the Univerſities.*
25 Act *regulating the proportions of Exciſe in the ſeveral Shires and Burghs.*
26 *An humble Tender to His* Sacred *Majeſty, of the duty and loyalty of His ancient Kingdom of* Scotland.
27 Act *aſſerting* His *Majeſties Prerogative, in the ordering and diſpoſal of Trade with forraigners.*
28 *Commiſſion for plantation of Kirks and valuation of Teinds.*
29 Act *anent penal Statutes.*
30 *Act* Salvo jure cujuſlibet.

FINIS.

A TABLE

Of the ſpecial ACTS and RATIFICATIONS, paſt in the ſeveral Seſſions of this Parliament, which are not imprinted.

FIRT SESSION.

Proteſtations by ſome Noble-men, Commiſſioners from Shires and Burghs, concerning their precedencies in the Rolls of Parliament.
Act diſcharging Sir *Archibald Johnſtoun* of all publick Truſt.
Act concerning the Burial of the Corps of the late Marqueſs of *Montroſe* and Laird of *Dalgety*.
Commiſſions for the Lords of the Articles and Bills.
Exoneration to Mr. *John Young*, concerning the Regiſters.
Record of the production of the Patents granted by His Majeſty to His Officers of State, and their Admiſſions.
Record of the production of ſome Patents of Honour.
Decreet Earl of *Dalhouſie* and others, againſt Mr. *Robert Hodge*.
Act in favours of the Laird of *Mackclean*.
Precognition in favours of the Maſter of *Bamff*.
Commiſſion to Mr. *John Wilkie*, to collect the vacand Stipends.
Act reſcinding the pretended forfeiture of the Marqueſs of *Montroſe*.
Act allowing Meſſengers to execute Summons of Treaſon.
Exoneration in favours of the Earl of *Crawfurd* and *Lindſay*.
Act concerning the Magiſtrates of *Kirkwal*.
Act for an Impoſition at the Bridge of *Muſleburgh*.
Commiſſion for viſiting the Univerſity of *Aberdeen*.
Act anent the election of the Magiſtrates of *Montroſs*.
Decreet *Archibald Lamont* contra *Campbel*.
Act for an Impoſition at the Calſees of *Cowie-month*,
Reference *Mackenzie* contra *Mackpherſon*.
Decreet Earl of *Perth* contra Sir *George Mouat*.
Acts in favours of ſome Miniſters for their Stipend.
Act in favours of Col. *Weymes*, Col. *Leſly* and *James Scot*.
Letter and Act in favours of the Laird of *Renton*.
Act for a Bridge at *Ramal-wel-craig* on *Clyd*.
Act in favours of the Town of *Wigtoun* concerning a Bridge.
Decreet *Lockhart* contra *Bonar*.
Decreet *Mackenzie* of *Redcaſtle*, contra *Gilbert Ker* and others.
Decreet *Elizabeth Dutchy*, contra *Henry Denniſtoun*.
Act anent the Cuſtom and Price of imported Tobacco-pipes.
Decreet *Carnaigie* contra *Carnaigie*.
Ratification to the Earl *Marſhal* of the Sheriff-ſhip of *Aberdeen*.
Proteſtation by the Earl of *Roxburgh*, in name of the Marqueſs of *Huntly*, againſt the ſame.
Ratification in favours of Maſter *Adam Cunningham* of *Wood-hall*, of the Commiſſariot of *Dunfreis*.
Ratification in favours of the new Colledge of *Aberdeen*.
Proteſtation by the Town of *Aberdeen* againſt it.
Ratification in favours of Sir *John Urqhuart* of *Cromarty*.
Ratification to Maſter *Hary Hay*, of the Commiſſar-clerkſhip of *Edinburgh*.
Ratification to *John Ramſay* of his Office from the Lord Regiſter.
Ratification in favours of the Burgh of *Elgin*.
Ratification in favours of *Thomas Manſon*.
Ratification of the erection of the Kirk of *Kinloſſe*.
Ratification to Maſter *Thomas Young*, of the Commiſſar-clerkſhip of *Lauder*.
Ratification of the erection of the Town of *Findorn* in a Burgh of Barony.
Proteſtation Town of *Forres* againſt it.
Ratification in favours of *Wat*.
Ratification to Maſter *James Nicholſon* of the Commiſſariot of *Brichen*.
Ratification to *Iohn Newel*.
Ratification in favours of *Hary Blaickwood*.

Ratifi-

Ratification to *Alexander Monro* of the Commiſſariot of *Sterling.*
Act concerning the Town of *Kirkwal.*
Ratification to the Town of *Edinburgh* of the regality of the *Cannongate.*
Ratification to the Town of *Edinburgh* of the mark upon the Tun.
Ratification Town of *Edinburgh* of the Land called *The Kings work in* Leith.
Ratification Town of *Edinburgh* of the Cuſtoms at the Houſe in the *Mure.*
Ratification of the Town of *Edinburghs* new Charter of Confirmation.
Act in favours of Mr. *James Daes.*
Commiſſion for tryal of the burning the Gates of *Drumlanrig.*
Act concerning the Earl of *Perth* and Lord *Drummonds* loſſes.
Act concerning Sir *Thomas Hamiltoun* of *Preſtoun* his Writes.
Act reſcinding the pretended forfeiture of the Marqueſs of *Huntly.*
Act reſcinding the pretended forfeiture of *Mackdonald* of *Largy.*
Act reſcinding the pretended forfeiture of Sir *John Gordoun* of *Haddo.*
Act for a contribution for repairing the Harbour of *Peterhead.*
Act in favours of the Town of *Dunce.*
Act in favours of *George Campbel.*
Modifications to ſuffering Miniſters out of the vacand Stipends.
Ratification in favours of the Earl of *Mar.*
Ratification in favours of the Town of *Nairn*, and Proteſtation by the Laird of *Caddel* againſt it.
Ratification in favours of the Earl of *Panmure*, and Proteſtation by the Burgh of *Arbroth* againſt it.
Ratification in favours of the Burgh of *Innerneſs*, and Proteſtation for *Redcaſtle Dunean* and the Burghs of *Forteroſs*, *Cromarty* and *Dingwal* againſt it.
Ratification in favours of the Earl af *Linlithgow.*
Ratification to the Earl of *Callander.*
Ratification to the Town of *Muſleburgh.*
Ratification in favours of *Robert Thomſon*, and Proteſtation by the Earl of *Athol* againſt it.
Ratification in favours of Maſter *Thomas* Murray.
Ratification in favours of Maſter *John Finlay.*
Ratification in favours of the Burgh of *Wigtoun.*
Act for a weekly Mercat and two Fairs yearly in *Bouden.*
Ratification in favours of the Royal Burroughs.
Ratification in favours of the Earl of *Weymes.*
Ratification in favours of the Burgh of *Kirkcaldy.*
Commiſſions for trying ſome perſons ſuſpected of witch-craft.
His Majeſties nomination of the Lords of Seſſion and their Admiſſion.
Act for the ſitting and diets of the Seſſion.
The Lord Regiſters nomination of the Clerks to the Seſſion, to the regiſtration of Seaſings and admiſſion of Notars, and their admiſſion, conform to their Gifts from the Lord Regiſter.
Act eſtabliſhing the Sheriffdom of *Roſs* and the bounds of it.
Commiſions for the Fiſhings on the waters of *Ugie* and *Itham.*
Act to *James Weymes* for a new invention of Milnes, *&c.*
Act in favours of the Earl of *Lauderdaile*, anent the Lordſhip and Regality of *Muſleburgh* and Superiority thereof.
Proteſtation by the Lord *Colintoun*, that the ſaid Act ſhould not prejudge him of his Right to the Teind of the Paroch of *Hales.*
Act in favours of the Earl of *Lauderdaile.*
Act in favours of the Earl of *Lauderdaile*, concerning the Writes and Securities of his Lands.
Act concerning the Earl of *Caſſils.*
Act anent the Lights on the *May.*
Act reſcinding the pretended forfeiture of the Laird of *Glengairy.*
Act reſcinding the pretended forfeiture of *Macklean* of *Lochbouy.*
Act reſcinding the pretended forfeiture of *Macklean* of *Kingerloch.*
Decreet Earl *Southesk* and Lord *Burghly*, againſt the Shire of *Fife.*
Decreet Marqueſs of *Montroſe* againſt the Marqueſs of *Argyl.*
Decreet Laird of *Dury*, contra Duke of *Hamiltoun.*
Act in favours of the Burgh of *Aberdeen.*
Act for two Fairs and a weekly Mercat in *Strathaven.*
Act in favours of *Patrick Dumbar.*
Act in favours of the Laird of *Edgerſtoun.*
Act for three Fairs to the Town of *Leſly.*
Act for a weekly Mercat and two Fairs in the Town of *Tullith.*

Act

Act for a yearly Fair in *Aldeir.*
Decreet *Pluſcarden*, contra *Mackpherſon* and others.
Act in favours of the Clan-*Gregor.*
Decreet Earl *Roxburgh*, contra Earl *Lothian*, anent the Title of Lord *Ker.*
Decreet Earl of *Airly*, againſt *Mackenzie* and others.
Act for repairing the Bridge of *Sanchar.*
Act for two fairs and a weekly Mercat in *Hamiltoun.*
Act reſcinding the pretended forfeiture of *David Graham* of *Gorthy.*
Act in favours of Doctor *Gleg.*
Record of the loſſes of ſome Noble-men for their loyalty.
Act for ordering the precedency of the Officers of State.
Decreet of forfeiture againſt Sir *Archibald Johnſtoun.*
Act reſcinding the pretended forfeiture of the Lord *Herys.*
Ratification in favours of the Earl of *Roxburgh.*
Ratification in favours of the Univerſity of Sanct-*Andrews.*
Ratification in favours of the Burgh of *Lauder.*
Ratification in favours of Major *Ramſay.*
Ratification in favours of the Laird of *Hayning.*
Ratification in favours of *John Sterling* of *Other-field.*
Ratification in favours of the Earl of *Leiven.*
Ratification in favours of *John Campbel* of *Ardchattan.*
Ratification in favours of the Burgh of *Linlithgow.*
Ratification in favours of the old Town of *Aberdeen.*
Ratification of the mortification of a Hoſpital in the Paroch of *Largo.*
Ratification in favours of the Laird of *Monymusk.*
Proteſtation by the Earl of *Aboyn*, in name of the Marqueſs of *Huntly*, againſt it.
Ratification in favours of the Burgh of *Dumbartoun.*
Proteſtation of the Town of *Glaſgow*, againſt it.
Ratification in favours of the Town of *Glaſgow.*
Proteſtation by the Dukes of *Lennox* and *Hamiltoun*, and the Burghs of *Dumbartoun* & *Renfrew*, againſt it.
Ratification in favours of the Burgh of *Forteroſe*, and Proteſtation by the Town of *Innerneſs* againſt it.
Ratification in favours of the Officers of the Mint.
Proteſtation for the Burgh of *Edinburgh* againſt it.
Act for coyning of Copper-money.
Act for providing a Stock to the Mint houſe.
Decreets of forfeiture againſt *William Dundaſs* of *Magdallans*, and *John Home* of *Kello.*
Act anent the redemption of Infeftments of Fee granted under reverſion.
Act reſcinding the pretended forfeiture of Sir *Robert Spotſwood.*
Act reſcinding all Decreets of Forfeiture againſt *Archibald* and *Mackgileſpik Mackdonal of Colinſay.*
Act reſcinding the Forfeiture of *Archibald Mackdonal of Sands.*
Proteſtations by the Creditors of the Marqueſs of *Argyl*, that they be not prejudged by any ſentence to be given againſt him.
Decreet and Sentence of Forfeiture againſt the Marqueſs of *Argyl.*
Decreet and Sentence of Forfeiture againſt Mr. *James Guthry.*
Decreet and Sentence of Forfeiture againſt *William Govan.*
Decreet L. *Cochran*, againſt the Executors of the Earl of *Buccleuch.*
Act for two Fairs to the Burgh of *Ruthglen.*
Act for Impoſition for upholding a Bridge on the Water of *Fleet.*
Acts concerning the Town of *Edinburgh* and their Annuity out of the Houſe-mails, and the Impoſition granted to them of two pence upon the pint of Ale, &c.
Decreet Duke of *Hamiltoun* contra *Ardkinlaſs.*
Commiſſion for a Council of Trade.
Decreet in favours of the Earle of *Callander* againſt the Earle of *Leiven.*
Act for changing an High-way at *Abbotſhal.*
Act in favours of *William Purveſs.*
Decreet Sir *William Baily of Lamintoun*, contra Mrs. *Whaley.*
Act for the ordinar allowance of the Clerk Regiſters Subſcription.
Ratification in favours of the Marqueſs of *Montroſe.*
Act ratifying the union of the Paroches of *Logy-montroſe* and *Perth.*
Act anent ſlaying of Fiſh in forbidden time.
Act in favours of the Earl *Caſſils*, Earl *Lothian*, *Brody*, &c.
Commiſſion concerning the Annual-rents due by perſons forfeited by the Uſurpers.

Decreet in favours of *Mackintoſh* againſt *Lochyel*.
Decreet *Murdoch Mackclean* againſt *John Mackalleſter*, &c.
Proteſtations by the Earl *of Arrol*, Earl *Craufurd* and *Lindſay*, the General of the Mint, and the Provoſt of *Edinburgh* in name of the Royal Burroughs, againſt the power of the Juſtices of Peace.
Act in favours of the Commiſſars *of Edinburgh*.
Act in favours of the Earl *of Middleton* and Sir *John Smith*.
Act in favours of the Earl *of Middletoun* and Sir *John Weymes*.
Act for two Fairs to the Burgh *of Culroſs*.
Act for raiſing a Moneths maintenance, impoſed in the year, one thouſand, ſix hundred, and fifty one, for the Kings uſe, and eighty thouſand merks due by the Burroughs.
Act in favours of the Earl *of Dundee*.
Act in favours of the Hat-makers in *Edinburgh*, and Proteſtation by the Town *of Edinburgh* againſt it.
Decreet *John Makdowgal* contra *Campbel*.
Decreet of Forfeiture againſt *John Swintoun*.
Act reſcinding the pretended Forfeiture of the Earl *of Branfurd*.
Ratification in favours of the Earl *of Panmure*.
Commiſſion for the Fiſhings of *North* and *South-esk*.
Ratification in favours of the Lord *Rollo*.
Ratification in favours of the Earl *of Murray*.
Ratification of the Rights and Liberties of the Burgh *of Dundee*.
Ratification in favours of the Burgh *of Kintor*.
Ratification in favours of the Earl *of Tweddal*.
Ratification in favours of *Alexander Thomſon*.
Ratification in favours of the Earl *of Athol*.
Ratification to Sir *John Gilmor*, Preſident of the Seſſion, of his Rights of the Barony *of Craigmillar*.
Ratification in favours of the Burgh *of Dunkel*, and Proteſtation by the Town *of Perth* againſt it.
Two Ratifications to the Earl *of Craufurd* and *Lindſay*.
Ratification to the Earl *of Lauderdaile* of the Regality *of Thirlſtane* and Lordſhip *of Muſleburgh*.
Ratification to the Earl *of Lauderdaile* of the gift of *Swintouns* Forfeiture.
Ratification in favours of Mr. *James Douglaſs*.
Ratification to Sir *John Gilmor* of his gift of Penſion.
Ratification to Sir *James Hope* of his right to the Mines.
Ratification in favours of the Laird *of Calder*.
Ratification in favours of the Burgh *of Aberdeen*.
Ratification in favours of Mr. *John Herbertſon*.
Ratification in favours of the Earl *of Home*.
Ratification in favours of Sir *Alexander Home*.
Ratification in favours of Mr. *John Cunningham*.
Ratification in favours of Sir *James Cunningham*.
Ratification in favours of *James Innes*.
Ratification in favours of Sir *Robert Murray of Camron*.
Ratification in favours of the Earl *Marſhal*.

SECOND SESSION.

Act for calling in the Biſhops to the Parliament.
Act for ſetling the Orders in the Parliament-houſe.
Act concerning Members of Parliament who do not attend.
Recommendation for the Creditors of the late Marqueſs *of Argyl*.
Commiſſion for tryal of the burning the Gates of *Drumlanrig*.
Modification and Recommendations for ſome ſuffering Miniſters.
Proclamation for the Anniverſary Thankſ giving.
Act concerning the Earl *of Mortoun* and Town *of Kirkwal*
Act for yearly Fairs in *Corſtorphin*.
Act in favours of the Lord *Fraſer*, for his Title of Lord *Fraſer*.
Act betwixt the Lord *Burghly* and Shire *of Fife*.
Act in favours of *Alexander Bruce*, Brother to the Earl *of Kincarden*.
Act anent the Chapter *of Argyl*, and *Glenorchies* Proteſtation againſt it.
Act in favours of the Inhabitants *of Orknay*.

Act for reliefe of thoſe who were overburdened in their Levies, in Anno, 1649. for their concurrence in the Engagement, in Anno, 1648.
Act concerning the Miniſters of *Edinburgh.*
Act reſcinding the pretended Forfeiture againſt *Harthil.*
Act in favours of the Earl of *Perth* and others, for ſome monies due to them by the Shire of *Perth.*
Commiſſion for the Creditors of Forfeited perſons.
Act for keeping the Regiſters of Seſſion in the Parliament-houſe.
Decreet Marqueſs of *Huntly*, contra *Innes Cromarty, Robert Foulis*, &c.
Decreet Laird of *Haddo*, contra *Leſly.*
Act of diſſolution of the Earldom of *Orknay.*
Decreet *Macklaud*, contra Mr. *David Drummond*, &c.
Decreet Sir *James Mackdonald*, contra *Mackonochie Inera.*
Act for changing the Way betwixt the ſouth *Ferry* and *Cramond.*
Act in favours of the Town of *Edinburgh.*
Decreet againſt *Archibald Campbel.*
Decreet of Forfeiture againſt *Ardkinlaſs* and *Ormſay.*
Act in favours of the Lord Lyon.
Act for an Arch-deanry in the *Iſles.*
Act in favours of Sir *Robert Fletcher.*
Decreet Mrs. *Whaley*, contra *Lamintoun.*
Act for changing the Mercat-day in *Aberdeen.*
Act in favours of the Town of St. *Andrews.*
Act for yearly Fairs to the Earl of *Kinghorn*, the Lord *Tarbet*, the Lairds of *Glenorchie* and *Haddo.*
Act for two Fairs yearly, and a weekly Mercat in *Dalmeny.*
Act in favours of the Earles of *Queensberry* and *Annandail.*
Decreet in favours of Mr. *Thomas Mackenzie.*
Act for building a Meal-mercat in *Dumfries.*
Act concerning the Declaration.
Act containing exceptions from the Act of Indempnity, for *Fines.*
Act anent the Children and Poſterity of Forfeited Perſons.
Act in favours of the Counteſs of *Branfurd* and Lady *Forreſter.*
Act in favours of the Lord *Mackdonald.*
Act in favours of *Lamont.*
Act freeing Biſhops Vaſſals from the charges of Commiſſioners to the Parliament.
Commiſſion for rectifying the Valuations of *Aberdeen* Shire.
Recommendation in favours of *John Mein.*
Decreet *Dunolich* againſt *Campbel.*
Suſpenſion of publick Debts, with References in favours of the Lord *Burghly* and Lord *Carden.*
Ratification in favours of the Archbiſhop of St. *Andrews.*
Ratification in favours of the Biſhop of *Edinburgh.*
Ratification in favours of the Biſhop of *Galloway.*
Ratification in favours of the Biſhop of *Brichen.*
Ratification in favours of the Biſhop of *Argyl.*
Ratification in favours of the Earl of *Craufurd* and *Lindſay.*
Two Ratifications in favours of the Duke of *Lenox.*
Two Ratifications in favours of the Earl of *Athol.*
Ratification in favours of the Earl of *Tullibarden.*
Ratification to Sir *John Gilmor* of his Lands of *Craiglockhart.*
Ratification to the Laird of *Morphie.*
Ratification to the Laird of *Allardice.*
Ratification to the Laird of *Glenorchie.*
Two Ratifications to the Laird of *Cromarty.*
Ratification to *John Beaton.*
Ratification to the Burgh of *Linlithgow.*
Ratification to Sir *John Strachan.*
Ratification to *Paul Symer.*
Ratification to the Earl of *Annandail.*
Ratification to the Earl of *Newburgh.*
Ratification to Sir *Robert Innes* of *Muretoun.*

THIRD

THIRD SESSION.

ACt concerning the conſtitution and election of the Lords of the Articles.
Warrands for perſonal Protections againſt Captions, for ſome time, to the Lord *Sinclar* and others.
Commiſſion for trying of the contrivance and carrying on of the Act of Billeting.
Decreet and Sentence of Forfeiture againſt *Archibald Johnſtoun*, ſometime *of Wariſtoun.*
Act ratifying the Remiſſion granted to *George Campbel.*
Act for annexing ſome Kirks to the Deanry of Sanct-*Andrews.*
Record of the production of the Duke *of Monmouth*'s Patent to be Duke of *Buccleuch.*
Act allowing to the Miniſters who ſerved before and in the year, one thouſand, ſix hundred and ſixty two, the half of the Stipend due for that year.
Ratification in favours of Sir *Peter Wedderburn.*
Act reſcinding a former Act paſt in the laſt Seſſion of Parliament, anent ſome Fees acclaimed as due to the Lyons Office.
Act concerning the mater of Billeting, and a Letter directed to His Majeſty thereupon.
Act for repairing the High-wayes at the Town *of Preſtoun.*
Warrand for three Fairs to the Town *of Newburgh.*
Act concerning the pardoning and reſtoring the Children of Forfeited perſons.
Angus and *Donald Macklauds* declared Fugitives.
An impoſition for repairing and upholding a Bridge in *Clidſdail.*
Warrand for changing the Fair-day of the Town *of Clackmannan.*
Reference to His Majeſty concerning the Proceſs againſt *Aſſint.*
Act concerning the Impoſition laid on Engliſh Commodities.
Act paſt in favours of *Printers*, *Stationers*, *Silk-weavers*, &c.
Act for changing of the name of *Souter*, of late uſed by ſome of the name of *Johnſtoun.*
Act for an Impoſition for repairing the High-way betwixt *Corſtorphin* and the *Cow-bridge.*
Warrand for changing the Fair-day of the Town *of Nairn.*
Commiſſion concerning the Annual-rents due by perſons Forfeited by the Uſurpers.
Act Reſcinding, Annulling, and for Razing out of the Records, two Acts paſt in the ſecond Seſſion of this Parliament, one for excepting perſons from publick Truſt, and the other for the manner of voting it by Billets.
Act in favours of Doctor *Colvil,*
Act concerning the riding of the Parliament, and the Penalties of ſuch as ſhall be abſent from it.
Decreet betwixt Sir *Arthur Forbeſs* and the Lord *Cochran.*
Act in favours of Mr. *John Wilkie.*
Act anent the vacand Stipends in *Argyl* and *Iſles.*
Act for repairing the Bridge of *Tullibody.*
Act for the diſpoſal of ſome vacand Stipends.
Act for the Bridge of *Dalkeith.*
Act for upholding the Bridge of *Kippon*, and for two Fairs at the Kirk of *Kippon.*
Act for a yeerly Fair in the Barony of *Caskibon.*
Act for changing the weekly Mercat of *Pettenweym.*
Act in favours of *John Halybrunton*, concerning his Writes.
Act appointing the Fines to be paid in to any perſon His Majeſty ſhall appoint.
Act in favours of the Captain of *Dunſtaffnage* and others.
Two Fairs yearly to be kept in the Barony of *Preſton.*
The Fairs granted to the Town of *Whitehorn* changed in the dayes and dyets thereof.
Decreet the Earl of *Roxburgh* contra Sir *John Weymes.*
Act for two Fairs and a weekly Mercat in *Stanhyve.*
Act concerning the making of Cairds.
Recommendation in favours of the Marqueſs of *Montroſe.*
Warrand for two Fairs and weekly Mercat to the Laird of *Drum.*
Warrand for paying of ſome debt due by the Shire of *Dumfries.*
An Act and Ratification of the Contract of Marriage betwixt the Duke and Dutcheſs of *Buccleuch*, and Warrand for regiſtrating the Contract.
Act concerning the Stipend of the Miniſters of the *Canongate.*
Remit the Duke of *Hamiltoun* contra Lady *Forreſter.*
Warrand for two Fairs, and for changing the Mercat-day of the Barony of *Skirling.*
Warrand for a yearly Fair on the Brae of *Athol.*
Act for a Fair and weekly Mercat on the Lands of *Kinudy.*
Act concerning *Broomhals* Writes.

Act for an Impoſition, for repairing and keeping up the Bridges of *Sauchtonhal* and *Clegorn.*
Remit to the Seſſion concerning the eighty thouſand merks claimed from the Burroughs.
Lamonts Proceſs againſt *George Campbel* remitted to the Seſſion.
Recommendation in favours of ſome ſuffering perſons.
Commiſſion for ordering the prices of Offices, Writes and Seals.
Act ſuſpending execution for publick debts until the next Parliament.
Act concerning the *Zetland* Company of White-fiſhing, remitted to the Council.
Act for a yearly Fair in *Paiſly.*
Act for a yearly Fair in the Barony of *Caskibon.*
Remit to the Council anent the Act for Trade.
Warrand for changing a Way near *Leidinton.*
Act for renewing the Juſtices of Peace.
Ratification in favours of Sir *Andrew Aiton.*
Ratification in favours of the Lords of the Seſſion.
Ratification in favours of *David Souter.*
Ratification in favours of Mr. *Alexander Foulis of* Ratho.
Ratification in favours of the Biſhop of *Aberdeen.*
Ratification in favours of Sir *Robert Sinclar of Steinſtoun.*
Ratification in favours of Mr. *Robert Sinclar of Longformacus.*
Ratification in favours of *Thomas* Hamiltoun *of Bathgate.*
Ratification in favours of *William Preſtoun of Valified.*
Ratification in favours of Mr. *Robert Preſtoun* of that ilk.
Ratification in favours of *Michael Balfour of Pitmedden.*
Ratification in favours of *James* Campbel and his Son.
Ratification in favours of *John Malcolm.*
Ratification of a mortification in *Perth.*
Ratification in favours of *George Home of Kames.*
Ratification in favours of the Earls of *Craufurd* and *Lauderdaile*, the Lord *Parbroth*, the Lairds of *Hatton* and *Ardroſs*, Colonel *Leſly* and *James Scot*, of their Gifts of Mines and Minerals.
Ratification in favours of *James Dickſon.*
Ratification in favours of the Burgh of *Whitehorn.*
Ratification in favours of Sir *John* and Mr. *Alexander Gibſon.*
Ratification in favours of the Earl of *Rothes.*
Ratification in favours of the Earl of *Dumfermeline.*
Ratification in favours of Sir *John Home of Renton*, Lord Juſtice Clerk, and Proteſtation for Sir *Alexander Home* and *Wedderburne* againſt it.
Ratification in favours of *Charles Maitland of* Haltoun.
Ratification in favours of *William Scot of Ardroſs.*
Ratification to the Town of *Edinburgh* of their right to the Citadel.
Ratification in favours of Captain *Lockhart.*

F I N I S.

[A C T

ACT Reſcinding two ACTS

Paſt in the laſt SESSION of

PARLIAMENT:

The one for excepting of perſons from publick Truſt; and the other for voting the ſame by Billets.

Edinburgh, the ninth of September, 1663.

OUR SOVERAIGN LORD, out of his innate goodneſs and love to this His ancient Kingdom, being deſirous, that now, after ſo long troubles, a perfect peace be ſetled within the ſame, and that all His good Subjects might enjoy the happineſs and bleſſings of His Government in a full and free Act of Indempnity, Pardon and Oblivion; Did, by His Inſtructions to the Earl of *Middleton*, His laſt Commiſſioner, before the ſecond Seſſion of this Parliament, Declare His Royal Pleaſure concerning Fines to be impoſed, both as to the crimes, for which fining was allowed, and as to the proportions; and this moderat way of fining (which His Majeſty intended to imploy for the reliefe of His good Subjects who had been ſufferers) being the only puniſhment His Majeſty gave warrand for; And His Majeſty being careful to ſee His Royal Grace and Favour to His people extended as large as he intended it: He commanded the Act of pardon and Indempnity to be tranſmitted to His own conſideration, before His Royal conſent were given to the ſame. In obedience whereunto, the Earl of *Middleton*, in ſummer, one thouſand, ſix hundred, and ſitxy two, diſpatched Sir *George Mckenzie* of *Tarbet* to His Majeſty, with a Letter of credit: He carried two draughts of an Act of Indempnity, the one excepted only as to fines, the other excepted alſo as to incapacity from publick Truſt; the laſt he publickly owned to be the deſire of the Parliament, and earneſtly preſt, in name of the Parliament, the incapacitating of ſome few of the moſt guilty, not exceeding twelve; to which His Majeſty at laſt conſented, meerly to gratifie that which was repreſented to be the deſire of ſo faithfull and loyal a Parliament: And having deſired to know the truth hereof from His Parliament, they, by their unanimous opinions and votes, upon the twenty two of *July* laſt, Declared, that they gave no warrand to deſire of His Majeſty, that the Act of Indempnity ſhould carry an exception of incapacitating from publick Truſt, nor any warrand at all to deſire in their names, His Majeſties conſent to the incapacitating a few; and that notwithſtanding thereof, they had ſeen the double of an Inſtruction given in the contrary by the Earl of *Middleton* to Sir *George Mckenzie*, ſigned, and in preſence of the Parliament, owned by him to be a juſt double; bearing, that it was much deſired by the Parliament, that ſome ſhould be excepted from publick Truſt: And it was alſo declared by the Parliament, that there was no other ground for incapacitating, but that it was His Majeſties pleaſure to have it ſo, and that this was the riſe of bringing in the Act of billeting, as the moſt expedient way of voting the Act of Incapacitating: by which it appears, both His Majeſty and His Parliament were abuſed, as to that exception from publick Truſt. And Our Soveraign Lord conſidering, that this way of Billeting had no colour of warrand from His Majeſty, and that His Royal conſent was given to it without His knowledge, and very far from His intention; and that in the contrivance and carrying on of the ſame, ſiniſtrous courſes were taken, and deſignes laid, for incapacitating the Earls of *Crafurd* and *Lauderdail*, and Sir *Robert Murray*; perſons who for their eminent loyalty to, and great and long ſufferings for His Majeſty, are deſervedly in His high eſteem, and who, for the time, had the ſpecial approbation of this preſent Parliament for theſe great imployments they had from His Majeſty, as His Officers of State and otherways; and that Therefore He hath, with much reaſon, declared Himſelf moſt unſatisfied therewith: Yet, He doth not attribute the concurrence of His Parliament in Billeting to any thing, but to their unparallel'd affection to His perſon and Service, and their obſequious complyance to every thing was repreſented to them to be His Majeſties intention, or which might be acceptable to His Majeſty. And conſidering the way of Billeting to be moſt pernicious in it ſelf, and of a moſt dangerous conſequence, as tending to the diſhonour of His Majeſty and his Parliament, and to the ſubverſion of all Juſtice and Government; it being a way never before that time practiſed in this Kingdom, or in any other place, under Monarchical Government; being ſo derogatory to his Majeſties Authority and Royal Dignity, and ſo contrary to

the honour, freedom and gravity of Parliaments, to all former practiſes, and to the rules of common Juſtice; every man, even theſe of the greateſt merit, being thereby rendered unſecure of their honour, eſtates, liberties and lives; his Majeſties Officers of State and thoſe of neareſt relation to him, being expoſed to infamy and ruine. to be, by colour of his Authority without His knowledge, torn from Him; and his Royal Prerogative, in the choiſe of his Chancellors and ſervants, aſſerted in this preſent Parliament, violated and made contemptible, and all his Majeſties good Subjects made lyable to cenſures, without being accuſed, heard, or legally condemned. In regard of all which, Our Soveraign Lord, with conſent, and by ſpecial advice of his Eſtates in Parliament, Doth hereby Reſcind and Annull two Acts paſt in the laſt Seſſion of this Parliament on the ninth of *September*, one thouſand, ſix hundred, and ſixty two; the one Entituled, *Act appointing the manner of voting by Billets*, and the other Entituled, *Act concerning perſons to be excepted from publick Truſt, together with the Clauſes relating thereto in the Act of Indempnity and in the Act of Fines*; and Declares the ſaids two Acts, with the Clauſes aforeſaids relating thereto, to have been from the beginning, to be now, and in all time coming, void and null; and Ordains the ſame to be expunged and razed out of the Records. Likeas accordingly, the ſaids principal Acts being called for and preſented in Parliament, were publickly torn and deſtroyed; and the Act of Indempnity and Act for Fines, with the Records of the minutes of Parliament being alſo called for, the Clauſes contained therein, relating to the excepting of perſons from publick Truſt, and the voting of it by Billets, were expunged out of the ſame: And the Clerk-Regiſter is hereby Ordained to take care, that from henceforth the Act of Indempnity and Act for Fines be extracted and recorded according to theſe amendments, and that any extracts already given out, be void and null, as to the Clauſes thus amended. Likeas Our Soveraign Lord, to evidence His juſt diſlike of ſo pernicious a courſe, Doth with advice and conſent foreſaid, Diſcharge all voting by Billets for the future.

And foraſmuch, as the Parliament, in obedience to His Majeſties Commands, did tranſmit to His Majeſty, the originall Depoſitions of thoſe who were examined, concerning this whole buſineſs, to the end he might declare his further pleaſure; his Majeſty Declares, that having taken all that relates to the buſineſs of Billeting into ſerious conſideration, He will, in convenient time, make known His pleaſure therein.

FINIS.

THE

THE

LAWS AND ACTS

Of the SECOND

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh*. the 19. of *October*, 1669.

By a Noble Lord, John *Earl of* Lauderdail, *Viſcount* Maitland, *Lord* Thirleſtane *and* Bolton, *&c. His* MAJESTIES *Commiſſioner for holding the ſame, by vertue of a* Commiſſion *under His* MAJESTIES *Great Seal of this Kingdom*:

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Extracted from the Records of PARLIAMENT, be Sir *Archibald Primeroſe* of *Cheſter*, Knight and Baronet, Clerk to His MAJESTIES Council, Regiſters and Rolls.

I.

ACT aſſerting His Majeſties Supremacy over all Perſons and in all Cauſes Eccleſiaſtical.

November 16. 1669.

THE Eſtates of Parliament having ſeriouſly conſidered, how neceſſar it is, for the good and Peace of the Church and State, That His Majeſties Power and Authority, in relation to Matters and Perſons Eccleſiaſtical, be more clearly aſſerted by an Act of Parliament; Have therefore thought fit it be Enacted, Aſſerted and Declared, Likeas, His Majeſty, with advice and Conſent of His Eſtates of Parliament, doth hereby Enact, Aſſert and Declare, That His Majeſty hath the Supreme Authority and Supremacy over all Perſons and in all Cauſes Eccleſiaſtical within this His Kingdom; and that by vertue thereof, the Ordering and Diſpoſal of the External Government and Policy of the Church doth properly belong to His Majeſty and His Succeſſors, as an inherent Right to the Crown: And that His Majeſty and His Succeſſors may Settle, Enact and Emit ſuch Conſtitutions, Acts and Orders, concerning the Adminiſtration of the External Government of the Church, and the Perſons imployed in the ſame, and concerning all Eccleſiaſtical Meetings, and Matters to be propoſed and determined therein, as they in their Royal Wiſdom ſhall think fit. Which Acts, Orders

Orders and Conſtitutions, being recorded in the Books of Council and duly publiſhed, are to be obſerved and obeyed by all his Majeſties Subjects, any Law, Act or Cuſtom to the contrary notwithſtanding. Likeas, his Majeſty, with Advice and Conſent foreſaid, doth Reſcind and Annul all Laws, Acts and Clauſes thereof, and all Cuſtoms and Conſtitutions Civil or Eccleſiaſtick, which are contrary to, or inconſiſtent with his Majeſties Supremacy as it is hereby aſſerted, And declares the ſame void and null in all time coming.

II.

ACT concerning the Militia.

November 16. 1669.

FOraſmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His Majeſties Royal Anceſtors, it is Statute and Ordained, That Weapon-ſhowings be holden in ilk Shire ſeveral times in the year, at which the Lieges are appointed to be harniſhed and armed, according to their qualities and degrees; as at length is ſpecified in theſe Acts. And it being declared by the fifth Act of the firſt Seſſion of His Majeſties late Parliament, That it is His Majeſties Prerogative-Royal and undoubted Right, to have the power of raiſing in Armes the Subiects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes diſpoſing thereof as He ſhall think fit. As alſo, the Eſtates of Parliament of this Kingdom, in recogniſance of His Majeſties Royal Prerogative foreſaid, and in a further acknowledgment of their duty, Having, by the twenty fifth Act of the laſt Seſſion of the foreſaid Parliament, made offer to His Majeſty of twenty thouſand Footmen, and two thouſand Horſemen, ſufficiently armed and furniſhed with fourty dayes proviſion, to be raiſed from the ſeveral Shires of the Kingdom, according to the proportions expreſt in that Act, to be in readineſs as they ſhall be called for by His Majeſty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for any ſervice wherein His Majeſties Honour, Authority or Greatneſs may be concerned. And His Majeſty, finding it expedient that the foreſaid number of Foot and Horſe ſhould be modelled and trained in military diſcipline, to the effect they might be in greater readineſs and fitneſs for *His* Majeſties Service when they ſhould be called for, Having, by advice of His Privy Council, conſtituted and ſettled a Militia of horſe and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foreſaid Act; And in ſome other Shires a Militia of horſe only; having thought fit in this exigent, for important reaſons, to change their Foot into a proportion of horſe, ſuteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of horſe; And the Lords of Privy Council having, by his Majeſties Order and warrand, appointed Commiſſioners of the Militia in the ſeveral Shires, ordered the election of the inferiour Officers, appointed particular dayes of Rendezvous, the way of liſting of Foot-ſouldiers, ordered fit allowances to be given to the Foot and horſemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; And having given ſeveral other Orders and Inſtructions concerning the ordering and diſpoſing of the Militia, The Eſtates of Parliament do in all duty acknowledge his Majeſties ſingular Wiſdom, and tender Care of this his ancient Kingdom, in conſtituting and ſettling the foreſaid Militia. Likeas, his Majeſty, with advice and conſent of his Eſtates of Parliament, doth Ratifie and Approve the conſtitution and model of the Militia, as the ſame is eſtabliſhed by his Majeſty, with advice of his Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot, and horſemen the ſaids dayes of their Rendezvous; And all Acts, Commiſſiones, Orders and Inſtructiones paſt and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman ſix ſhillings *Scots*, and to each horſeman eighteen ſhillings *Scots*, every day of the Rendezvous, to be payed be the heretors; And that the ſaid ſix ſhillings to be payed to the Footmen, be refounded to the heretors by the men-tennents and ſervants for whom the Footmen are put out, and who are not liſted in the Militia. And alſo Statutes and Ordaines, that the Rendezvous be punctually keeped, that horſe and Foot be duely outreiked and ſufficiently armed, that Fractiones with their proportions of the price of the Collours, Drums, Standarts, and Trumpets be timeouſly payed. Likeas, *His* Majeſty, with advice foreſaid, doth give power and warrand to the Commiſſioners of the Militia in the reſpective Shires, to fine parties for the Souldiers abſence from the Rendezvous, not exceeding ſix pounds *Scots* for the horſeman, and two pounds *Scots* for the Footman abſent ilke day of the Rendezvous; And likewiſe, ſuch as ſhall be deficient in the outreik of horſe or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this preſent Act to the horſemen or Footmen, the men-tennents and ſervants for whom the Footmen are put out, being alwayes lyable to relieve the reſpective heretors of the payment of the fines aforeſaid, in ſo far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or abſents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this preſent Act and Ordinance, his Majeſty, with advice foreſaid (without derogation

derogation from any power already given by the Inſtructions or Acts of council) doth authorize and impower the Commiſſioners of the Militia in the reſpective Shires, or any three of them (two of the *quorum* not being Officers) after tryal taken that parties have been abſent from the Rendezvous, or deficient in the outreiks and payments foreſaid; to give order and warrand to any one of the Serjants of Foot of the reſpective Companies, or Corporals of Horſe to be named by the ſaids Commiſſioners, to poind and deſtreinzie the readieſt Goods and Geer of theſe abſent or deficient, wherever the ſame may be found, appriſe and make ſale thereof towards the payment of the ſums ſpecified in the ſaid Warrand, and of the charges and expenſes of the poinding and appriſing; theſe charges alwayes not exceeding als much more as the ſums for which the poinding ſhall be uſed. Likeas, His Majeſty, with advice foreſaid, conſtitutes the ſaid perſon, to whom the foreſaid Order ſhall be directed, Sheriff in that part; with power to him, by virtue of that Order, to poind the Goods without neceſſity of carrying the ſame to the Paroch-church or Mercat-croſs of the head Burgh of the Shire to be appriſed; and to do and act in the execution of the ſaid Order, ſicklike as a Meſſenger at Armes may do by the Law, in execution of Letters of poinding and appriſing given under his Majeſties Signet: providing alwayes, that the goods poinded be valued and appriſed by two honeſt ſworn men, whoſe oaths the ſaid Sheriff in that part is authorized to take to that effect; And declares, that it ſhall be leiſome to the party from whom the Goods ſhall be poinded, to redeem the ſame within ſix dayes after the poinding, by payment of the ſums, for which the poinding ſhall be uſed, expenſes of the poinding foreſaid, and twelve ſhillings *Scots* each day during the not redemption. And in caſe the party do not redeem the goods poinded within the ſpace foreſaid, Declares that it ſhall be lawful to the ſaid Sheriff in that part, to retain the goods or ſel the ſame, with deduction of the thrid of the ſume to which they were appriſed, He allwayes being countable for the price thereof to the Commiſſioners of the Militia, who are to ſee the party, from whom the Goods were poinded, ſatisfied of the *ſuperplus* of the price (if any be) of the Goods for which the poinding was uſed, expenſes foreſaids of the poinding, third part of the value to which the Goods were appriſed, with twelve ſhillings *Scots* ilk day during the ſpace that the party had power to redeem, being alwayes deduced; and declares the ſaid Warrand, being ſigned by three of the ſaids Commiſſioners (one of them only being ane Officer) to have the force and ſtrength of an Decreet; and that there is no neceſſity of any Precept or Charge to follow thereon: And that the poinding and appriſing ſo uſed, by vertue of the ſaid Warrand, is and ſhall be als lawful and valid, as if all the ſolemnities requiſit in and uſual poindings were obſerved; whereanent His Majeſty, with advice foreſaid, doth diſpenſe in this caſe of the Militia. And it is declared, that theſe who are not ſufficiently armed or mounted at the Rendezvous ſhall be holden as abſent therefrom, and ſhall be fined and poinded accordingly in maner foreſaid. And for preveening debates that may ariſe the time of muſtering, It is Declared, that Lievtenants and Cornets of Horſe ſhall be reckoned of the number of Horſe-men, appointed to be put out in the reſpective Shires; But prejudice alwayes to any of the ſaids Officers, to claim and ſute payment of Fractions, if they be Leaders of Horſe. As alſo, His Majeſty, with advice foreſaid, doth authorize and impower the Lords of his Privy Council from time to time, to appoint dayes of Rendezvous, and to give ſuch further orders as ſhall be requſite for the full eſtabliſhment of the Militia in every particular thereof; and to call for an acount from the ſeveral Shires of their procedure and diligence in ſettling the ſame. And commands and requires all his Majeſties Subjects of whatſoever degree or quality, to give due and ready obedience to all ſuch orders and directions as they ſhall receive from His Majeſties Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

III.

ACT for regiſtration of Inſtruments of Reſignation ad remanentiam.

November 16. 1669.

OUR SOVERAIGN LORD, with the advice of the Eſtates of Parliament, Statuts, & Ordains, That all Inſtruments of Reſignation that ſhall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be regiſtrate within threeſcore dayes after the date thereof, in the ſame manner and way, and at the ſame rates as Renounciations, Seiſings or Reverſions: To the effect, the Lieges may the better know, that the Infeftment which was granted to the Reſigners is thereby void and extinct, and that they may be put *in mala fide* to contract with the Reſigner thereanent, or to compriſe the ſame from him, otherwayes the ſaid Reſignation to be null. It is alwayes hereby Declared; That the Inſtruments of Reſignation of Tenements, Lands and Fiſhings holden in free Burgage, being regiſtrate in the Town Court Books of the Burgh, ſhall not fall within the certification of this preſent Act.

IV.

ACT concerning poinding before the dayes of the Charge expire.

November 16. 1669.

OUR SOVERAIGN LORD, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, that hereafter it ſhall not be lawful to poind moveables upon regiſtrate Bonds, or Decreets for perſonal Debts, while the Parties be firſt charged, and the dayes of the Charge be expired: With certification, that poinding otherwayes uſed ſhall be null, and the poinders ſhall be puniſhed and proceeded againſt as ſpuiliers; But prejudice alwayes of any Decreets recovered at the inſtance of Heretors againſt their Tennents in their own Courts; whereupon it ſhall be lawful to them to uſe poinding as formerly; And but prejudice to Superiours to uſe poinding againſt their Vaſſals for their Few-duties, as they might lawfully have done of before.

V.

ACT for the ſecurity of the Perſons of Miniſters.

November 30. 1669.

FOraſmuch as the Kings Majeſty, conſidering how juſt and neceſſar it was, that the Orthodox Clergy ſhould be protected from the violence of diſaffected and diſloyal perſons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fifteenth of March and thirteenth of June, one thouſand, ſix hundred, and ſixty ſeven, command and charge all Heretors, Life-renters and others, having any real Intereſt or Rent wihin the ſeveral Paroches of the Kingdom, to protect, defend and ſecure the Perſons, Families and Goods of their Miniſters, not only in the exerciſe of their Miniſterial Function, but in their dwelling Houſes, or being elſewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Perſons or Goods, from the violence and invaſion of any diſaffected, diſloyal or other wicked perſon: With certification, if the actors of ſuch outragesſhould not be apprehended and brought to tryal, by the means and diligence of the Parochiners, the Parochioners ſhould be decerned to pay to ſuffering Miniſters for reparation, damnage and intereſt, ſuch a ſum and fine as His Majeſties Council ſhould determine; as is more fully expreſt in the ſaids proclamations. And the Eſtates of Parliament, having taken to their conſideration the proceedings of His Majeſties Council herein; and finding that the protection of the Orthodox Clergy, and the reſtraining of the inſolency of diſaffected, diſloyal and wicked perſons at this time, did require more nor ordinary means and care from His Majeſties Council; Have therefore thought fit, Likeas, His Majeſty, with advice and conſent of His Eſtates, doth hereby Ratifie and Approve the two Proclamations aforeſaid, and the proceedings of His Majeſties Council in proſecution thereof; and authorizeth them ſtill to proſecute the ſame as occaſion ſhall offer, until His Majeſty in his next Parliament give farther Orders therein. And it is Declared, That this Act is and ſhall be but prejudice of any former Laws and Acts of Parliament made againſt the invaders of Miniſters, and of the pains therein contained; And particularly the twenty ſeventh Act of the eleventh Parliament of King *James* the ſixth, and ſeventh Act of King *Charles* the firſt His Parliament in Anno, 1633. Which Acts, His Majeſty, with advice foreſaid, doth hereby Ratifie and Approve, and Declares the ſame to ſtand in full force, ſtrength and effect in time coming.

VI.

ACT *for the ordering of Suſpenſions of the Benefices and Stipends of the Clergy.*

November 30. 1669.

THe Kings Majeſty being careful that the maintainance of the Clergy be duely ſecured unto them, and that they be not withdrawn by unneceſſar Law-ſutes, for recovery thereof: Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that no ſuſpenſion ſhall be paſt in time coming againſt any Arch-biſhop, Biſhope, Miniſter of the Goſpel or Univerſities and Colledges, of any Charges to be given at their inſtances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have ſpecial Decreets againſt the Heretors or poſſeſſors due and lyable in payment thereof to them, except upon production of Diſcharges, or conſignation of the ſums charged for, if the Rent of the Benefice or Stipend conſiſt in money; or of one hundred merks Scots for ilk Chalder of Victual where the ſame conſiſts in Victual, and proportionally if the Victual charged for be leſs then a Chalder, without prejudice to the Lords of Seſſion to modifie a greater or leſs ſum for the Chalder of Victual, as they ſhall find cauſe at the diſcuſſing of the Suſpenſion. And if any Bill of Suſpenſion of a generalCharge ſhall be preſented in time of Seſſion, That the ordinary Lord upon the Bills, before the paſſing thereof, call for the Chargers at the

at the Bar, that they may inſtruct the ground of the Charge: And in caſe it ſhall be found by the Lords of the Seſſion, at the diſcuſſing of the ſuſpenſion, that either the Charge hath been malitiouſly given or malitiouſly ſuſpended, That the Lords modifie a fifth part of the ſum charged for, of expenſes of Plea to be payed by the malitious Charger or Suſpender.

VII.

ACT for Naturalization of Strangers.

December 8. 1669.

OUR SOVERAIGN LORD, out of his Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encreaſe and promoving of Trade and Manufactories, being graciouſly pleaſed and willing to give encouragement to Strangers to repair to, and dwell and reſide within this Kingdom; Hath therefore thought fit, Likeas, his Majeſty, with advice and conſent of his Eſtates of Parliament, doth hereby Statute, Ordain and Declare, That all ſtrangers, being of the Proteſtant Religion, either ſuch who having Eſtates ſhall think fit to bring the ſame to this Kingdom, to dwell and inhabite within the ſame; or who ſhall come to ſet up new Works and Manufactories therein, and ſhall repair to, and ſettle their abode, dwelling and reſidence within this Kingdom; ſhall be, and are hereby Naturalized as native born Subjects of the Kingdom of Scotland, and are to enjoy his Majeſties Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all reſpects, as if they themſelves had been born within the ſame; and that they ſhall have liberty and freedom of Trade, and freedom to buy and purchaſe Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the ſame by ſucceſſion, purchaſe or donation, or any other way; and to diſpoſe thereof and tranſmit them to their Heirs and Succeſſors, who are to ſucceed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and ſhall belong to any native Subject born within this Kingdom. And further his Majeſty doth Declare, that upon applications to be made unto him by theſe Strangers, He will grant unto them the free and publick exerciſe of their Religion in their own Languages, and the liberty of having Churches within this his Kingdom. It is alwayes hereby provided, that no perſon or perſons ſhall have the benefit of this Act, untill firſt by Petition to the Lords of his Majeſties Privy Council, containing an exact deſignation of their names, places of their birth and former reſidence, and that they are of the Proteſtant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that theſe preſents, with an Extract of the Act of Council, in favours of the ſaids perſons to the effect aforeſaid, ſhall be unto them a ſufficient Naturalization to all intents and purpoſes. Which Extract ſhall be given to them freely, without payment of any money or compoſition; ſave only the Fee of nine pounds *Scots* money to the Clerks of Council and their Servants.

VIII.

ACT concerning the Bullion.

December 8. 1669.

OUR SOVERAIGN LORD conſidering, that by divers former Acts of Parliament made by the Kings Majeſty and His Royal Anceſtors, and ſpecially by the thirty ſeventh Act of the firſt Seſſion of his Majeſties firſt Parliament, it is Statute and Ordained, that all and whatſoever Commodities yearly exported forth of this Kingdom, ſhould be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoyned, and that for the yearly ſupport of a ſtock of Coinage within the Kingdom, and for ſupplying of his Majeſties Mint, being a part of His Prerogative Royal. And his Majeſty and Eſtates of Parliament, being ſtill willing to ſupport and encourage the ſame, and to provide for all neceſſary wayes and remedies for increaſing the ſtock of Coinage within the Kingdom, and eſpecially thoſe that may be of moſt advantage, and may moſt encourage the Manufactories and the natural grouth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the impoſing of the ſaid Bullion upon the Commodities imported, or ſome conſiderable part thereof may very much contribute thereto; And being reſolved, that His Majeſties Mint ſhould be hereby encouraged, and that no hurt or derogation ſhould thereto occur by this change. Therefore his Majeſty, with advice and conſent of his Eſtates of Parliament, Declares, That all and whatſoever native Commodities of this Kingdom, and others that ſhall be exported forth thereof, contained in the aforeſaid Alphabet of Bullion, after the ſecond day of *February* next to come, one thouſand, ſix hundred, & ſeventy years, ſhall be free, and are hereby diſcharged of the payment of all quantities of Bullion therein contained: & the Cuſtomers and their deputies are hereby prohibited & diſcharged to

ed to take ſurety or pledges, or to uſe any other exaction upon the Merchants therefore, under all higheſt pain. And his Majeſty, with advice foreſaid, Reſcinds and Annulls any Clauſes contained in the foreſaid thirty ſeventh Act of the firſt Seſſion of his Majeſties firſt Parliament, or in any other Acts of Parliament, in ſo far allanerly as the ſame impoſes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains, That the imported Goods and Commodities under-written be lyable in payment of the ſeveral quantities of Bullion aftermentioned, *viz.* Spaniſh, Rheniſh and Brandy-wines of all ſorts, each Tun twenty four ounces, twelve denier fine; French-wines of all ſortes, every Tun twelve ounces; Loaf-ſuggar the hundred weight, ſix ounces; Playing-cards, one ounce the groſs; Paper for Printing and Writing of all ſorts, one ounce every ſix rimms; Gray-paper, every twelve rimms one ounce; Deals, every thouſand five ounces; Single trees, every thouſand five ounces; Double-trees, every thouſand ten ounces; Double-double-trees, and all other greater Fir-timber, every thouſand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all ſorts, every Tun two ounces; Onions and Aples, every two Barrels one ounce; Mum-beer, every Barrel four ounces; Prunes, every Tun four ounces; Raiſins, Currants and Figs, every Tun ten ounces; Iron-pots of all ſorts, every dozen one ounce; Sop, every Barrel two ounces; Suggar-candy, every hundred weight ten ounces; Copper-kettles, Braſs-pans, and all other made work in Braſs or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thouſand weight five ounces; Hats of all ſorts, every three dozen two ounces; Window-glaſs of all ſorts, every Cheſt one ounce; Limons and Oranges, each thouſand one ounce; Hopes of all ſorts, every hundred weight one ounce; Spaniſh-leather, Marikin, Tanned-leather, Wild-leather, and all other ſorts of Leather, except *Muſcovia*-leather, every hundred weight one ounce; Gloves of all ſorts, each dozen one ounce; Whale-bone or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, That the Merchant or other importers of the abovewritten Commodities or any of them, make ready payment of the foreſaids quantities of Bullion hereby impoſed, to the Officers of His Majeſties Mint for the time, being of the fineneſs of twelve Deniers, and being baſer to be conſidered by weight and reckoning, and that immediately upon the entry of the ſaids Goods; And in caſe the ſaid importer ſhall fail to pay in the ſaids Bullion at his entry, he ſhall be holden and aſtricted, to make payment of the ſum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the ſaids Goods; And which money ſo payed by him at his entry, ſhall be redeemable from the ſaids Collectors, upon the payment of the foreſaids quantities of Bullion in to the Officers of his Majeſties Mint: Provided alwayes, ſuch payment of Bullion be made within fourty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, that it ſhall not be lawful to the ſaid Tackſ-men, Collectors or their Deputies, to permit the ſaids importers to break Bulk, or to give them Tranſire's or other warrant thereanent, till firſt the ſaids Importers report or produce the Mint-maſters receipt of the due quantity of Bullion payed *in ſpecie*, or elſe, that the Tackſ-men, Collectors or their Deputes, receive payment or twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; And for ilke ounce of Bullion of twelve Denier fine, ſo payed in to the Mint *in ſpecie* by the Importer, he is to have delivered back to him in his Majeſties Coin three pounds, ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five ſhillings, nine pennies *Scots*, and ſo proportionably conform to the fineneſs of the Bullion given in, and that in ſatisfaction of all Dues whatſoever that can be acclaimed by the Officers of the Mint, for his Majeſty or otherwiſe. And whereas, by the former Acts of Parliament made anent Bullion, the general Tackſ-men and collectors of the cuſtoms and their Deputies, were bound and oblieged to take ſicker Surety or Pledges, ſuch as they would be anſwerable for, for the Bullion to be brought in, and which then lay upon export, and that what reſted not delivered to the Mint, the ſaids Tackſ-men, collectors and their Deputies, were to be anſwerable therefore; And that by the conſtant practice of his Majeſties Exchequer, the ſaids Tackſ-men and collectors by their Tacks and commiſſions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then ariſing upon the export of this Kingdom. And leſt his Majeſty or his ſaid Mint ſhould ſuſtain any hurt or prejudice, or be at any uncertainty by looſing of theſe bonds, or by this change; Therefore it is hereby Statute and Ordained, that all general Tackſ-men of his Majeſties cuſtoms of this Kingdom, general collectors of the ſame and their Deputies preſent and to come, ſhall be, and are hereby bound and oblieged, *virtute Officii*, and by the acceptation of their Tacke or Office, to make count, reckoning and payment to the Officers of his Maieſties Mint, of all and whatſoever quantities of Bullion that ſhall yearly ariſe upon the imported commodities aforementioned, and which ſhall be delivered by the Merchant *in ſpecie*; and alſo to make payment of all ſuch ſums of money, as ſhall be payed by the Merchant to them, in place of Bullion, at the aforeſaid rate of twelve ſhillings *per ounce*, to the General and Maſter of the Mint for the time being, and that quarterly; begining the firſt quarters payment at the terme of *Whitſonday* next, one thouſand, ſix hundred and ſeventy, and ſo-forth yearly and quarterly thereafter. And whereas the ſaids Tackſ-men, collectors or their Deputies, were formerly holden and aſtricted to give in exact accounts of the whole commodities exported yearly forth of this Kingdom upon Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the Bullion now impoſed upon the foreſaid commodities imported, may be als fully known: It is hereby Statute and Ordained, That the ſaids Tackſ-men, collectors or their Deputies

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at all the Ports or Precincts within this Kingdom, ſhall give in yearly in Exchequer the exact account of the ſeveral quantities of the Commodities, whereupon Bullion is hereby impoſed, and that upon Oath, at the feaſt and term of *Martimas* yearly: As alſo to exhibit and produce the ſubſcribed Entries by the Merchants of the foreſaids Goods imported; And for that effect, that Letters of Horning be directed againſt the ſaid general Collectors, Tackſ-men and their Deputies, by the Lords of His Majeſties Exchequer, upon a charge of ſix dayes: And it is hereby Declared, That the ſaids Tackſ-men, Collectors or their Deputies ſhall be holden and aſtricted to deliver to the importer, Certificates of the foreſaid Bullion *in ſpecie*, or of the Money payed therefore at the rate foreſaid, *gratis*. And whereas, by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in ſpecie* or to pay Money for the ſame, at the rate of twelve Shillings *per ounce*, and that the Money ſo payed is to be delivered to the General and Maſter of the Mint, by the ſaids Tackſ-men, Collectors and their Deputies, and thereby the ſaid General and Maſter are oblieged to import the ſtock of the Bullion themſelves: Therefore it is hereby Statute and Ordained, that the ſaids Officers ſhall be oblieged to Coin the ſaid Bullion ſo imported by them, and to make the ſame paſs His Majeſties Irons, and that the ſaids Officers be controled by their Letters of receipt of the ſaids ſums of money granted by them, to the ſaids Tackſ-men, Collectors and their Deputies. And it is hereby Declared, That the foreſaids whole Commodities imported after the foreſaid day, ſhall be lyable to the ſeveral proportions of Bullion above ſpecified, notwithſtanding of any Act or Acts of Parliament formerly made, or to be made in this preſent Parliament, in favours of any Manufactories, Companies of Fiſhing, or Trade, or other Acts whatſoever, which are hereby Declared not to impede the payment of Bullion impoſed upon the imported Goods foreſaids, in manner abovementioned.

IX.

ACT concerning Preſcriptions.

December 8. 1669.

OUR Soveraign Lord, with advice & conſent of the Eſtates of Parliament, Statutes and Ordains, That all Arreaſtments to be uſed hereafter upon Decreets, regiſtrate Bonds, Diſpoſitions or Contracts, not purſued and inſiſted on within five years after the laying on thereof, ſhall after that time preſcrive; And that all Arreſtments already uſed upon the ground aforeſaid, ſhall preſcrive within five years after the date hereof. And that all Arreſtments, uſed or to be uſed upon dependance of Actions, ſhall likewayes preſcrive within five years after Sentence is obtained in the ſaids Actions, if the ſaids Arreſtments be not purſued or inſiſted on within that time. And likewayes, His Majeſty, with advice foreſaid, Statutes and Ordains, That Miniſters Stipends and Multars not purſued for within five years after the ſame are due. And likewayes Mails and Duties of Tennents, not being purſued within five years after the Tennents ſhall remove from the Lands for which the Mails and Duties are craved, ſhall preſcrive in all time coming: Except the ſaids Miniſters Stipends, Multars, Mails and Duties ſhall be offered to be proven to be due and reſting owing, by the defenders their Oaths; or by a ſpecial Writ under their hands, acknowledging what is reſting owing; And that all Bargains concerning moveables or ſums of money, probable by Witneſſes, ſhall only be probable by Writ or Oath of Party, if the ſame be not purſued for within five years after the making of the Bargain. And further, His Majeſty with advice and conſent foreſaid, Statutes and Ordains, That all actions proceeding upon warnings, Spuilzies, Ejections, arreaſtments, or for miniſters Stipends and others foreſaid, ſhall preſcrive within ten years, except the ſaid actions be wakened every five years: But prejudice alwayes of any of the ſaids actions, which by former acts of Parliament are appointed to preſcrive in a ſhorter time. And alſo Statutes and Ordains, That Holograph miſſive Letters, and Holograph Bonds, and Subſcriptions in Compt-books without Witneſſes, not being purſued for within twenty years, ſhall preſcrive in all time thereafter; Except the purſuer offer to prove, by the defenders Oath, the verity of the ſaids Holograph Bonds and Letters, and Subſcriptions in the Compt-books. It is alwayes hereby Declared, That preſcriptions ſhall not run in any of the Caſes foreſaid, againſt minors during the years of their *M*inority.

X.

ACT *concerning Interruptions.*

December 8. 1669.

OUR SOVERAIGN LORD, with advice and conſent of the Eſtates of parliament, Statutes and Ordains, That all Interruptions, as to the Rights of Lands be citations, ſhall in time hereafter be execut by *M*eſſengers at arms, and againſt the defenders perſonally or at their dwelling place and at the Paroch Churches in the time of Divine Service, or immediatly after; And in caſe the parties be forth of the Kingdom, at the mercatcroſs of *Edinburgh*, and Peer and Shore

of *Leith*, upon threeſcore dayes. And that all Citations that ſhall be made uſe of for Interruptions, whether in real or perſonal Rights, be renewed every ſeven years, otherwayes to preſcrive; Except the parties be Minors: in which caſe this Act is not to be extended againſt them; during the years of their Minority.

XI.

A *CT concerning the forfeiture of perſons in the late Rebellion.*

December 15. 1669.

OUR SOVERAIGN LORD and his Eſtates of Parliament, having conſidered the Proceſs of Treaſon, purſued and deduced at the inſtance of Sir *John Nisbet* of *Dirleton*, His Majeſties Advocat, By Warrand and Order of his Majeſties Privy Council before the Juſtice, againſt the perſons after-mentioned, for their treaſonable riſing in Armes, and being in, and having acceſſion to, the late Rebellion in the Weſtern-Shires, in the year of our Lord, one thouſand, ſix hundred, and ſixty ſix; with the Libels, Interloquiturs, Probations, Depoſitions of Witneſſes, and the verdicts of Inqueſts and dooms of Forfeitures proceeding thereupon: Do find, that the Juſtice and their Aſſeſſors appointed by the Council in the ſaid Proceſs, in finding the ſaid Libels to be relevant, and admitting the ſame to the knowledge of Inqueſts; and the foreſaid Inqueſts in finding the ſame to be verified and proven, and in giving their verdicts and dooms of Forfeiture thereupon reſpective; Have proceeded juſtly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their proceedings, Interloquiturs,, verdicts and reſpective Dooms and Sentences of Forfeiture given and pronounced by them in the ſaid Proceſs, *viz.* The Sentence and Doom of Forfeiture pronounced againſt Collonel *James Walace*, *Joſeph Lermonth*, *M'kclellan of Barſcobe*, Mr *John Welſh*, Mr *James Smith*, *Patrick Liſtoun* in *Calder*, *William Liſton* his Son, *William Porterfield* of *Quarreltoun*, pronounced upon the fifteenth day of *Auguſt*, in the year of God, one thouſand, ſix hundred, and ſixty ſeven years; And the other Sentence and Doom of forfeiture pronounced againſt *William Muir of Caldwell*, *Caldwell*, eldeſt Sone to the Good-man of *Caldwel*, *Robert Ker of Kerſland*, Mr. *John Cunninghame of Bedland*, *Alexander Porterfield*, brother to *Quareltoun*, *John Maxwel of Monreith* younger, *Mcklellan of Belmagahan*, *Mr Gabriel Semple*, *Mr John Guthery*, Mr *Alexander Pedan*, Mr *William Veitch*, Mr *John Crookſhanks*, *Patrick Mcknaught* in *Cumnock*, upon the ſixteenth day of *Auguſt*, in the ſaid year of God, one thouſand, ſix hundred, and ſixty ſeven years: And Decerns and Ordains the ſaids Proceſs and Dooms and Sentences of Forfeiture foreſaid, to be valid and effectual to all intents and purpoſes, notwithſtanding that the ſaids perſons found guilty and convicted of the crimes foreſaid, did not compear in the ſaids Proceſs; And Declares, that the ſaid Sentence and Dooms of Forfeiture ſhall be of als great force and ſtrength, as if the ſaids perſons had compeared, or the ſame had been pronounced in Parliament. And his Majeſty, with conſent foreſaid, doth Approve His ſaid Advocats ſervice in the ſaid affair. And in reſpect it were againſt reaſon and juſtice, that when any perſon or perſons are accuſed of high Treaſon, for riſing in Armes againſt his Majeſty or His Authority, when they are cited to underly the Law before the Juſtice, if they do not appear, that their abſence and contumacy, which ought to be an aggravation, if any can be, of ſo high and horrid a crime, ſhould be of any advantage to them: Therefore, his Majeſty, with conſent foreſaid, doth Statute and Ordain, that in time coming in all ſuch caſes of treaſonable riſing in Armes, and open and manifeſt Rebellion againſt His Majeſty or his Succeſſors and their Authority, his Majeſties Advocat for the time, may and ought to inſiſt againſt, and proſecut ſuch perſons as he ſhall be ordered by his Majeſty or his Privy Council to purſue: And if they be cited and do not appear, the Juſtice notwithſtanding of their abſence, may and ought to proceeed to conſider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the ſame to the knowledge of an Aſſize, and upon the verdict of the Inqueſt, finding the ſame to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the ſame manner, as if the perſons accuſed had compeared and were preſent. And his Majeſty, with conſent foreſaid, doth remit to the Juſtice-General, Juſtice-Clerk or Juſtice-Deputes, the Summons and Proceſs of Treaſon, intended at the inſtance of his Majeſties Advocat, againſt certain perſons therein mentioned, for their acceſſion to the ſaid Rebellion, and depending before his Majeſty and the Eſtates: With power to them to proceed, notwithſtanding of the abſence of the ſaids perſons; And if the ſaids Summons be found relevant and proven by the verdict of the Inqueſt, to pronounce the Sentence and Doom of Forfeiture thereupon.

XII.

ACT *concerning the Exciſe and Cuſtomes.*

December 15. 1669.

FOraſmuch as many debates, queſtions and inextricable difficulties do and may ariſe, in levying and inbringing of the Exciſe, impoſed by the fourteenth act of the firſt Seſſion of His Majeſties firſt Parliament, to the great prejudice of His Majeſty, and of the Trade of this Kingdom: Therefore, and for preventing and clearing of the ſame, and to the effect, the ſaid Exciſe may be more orderly and eaſily levyed and collected, His Majeſty with advice and conſent of His Eſtates of Parliament, Statutes and ordains, That notwithſtanding the ſaid Exciſe is due and payable by the Retailers, yet the Importers ſhall be lyable for the ſame in time coming, at the rates contained in the ſaid Act, for Wines of all ſorts, Vinegar and Salt, as they are particularly expreſt therein, and that under the proviſions after-ſpecified: To wit, that what ſhall not be payed by the Retailers, ſhall be compleatly made up by the Importers, within twelve moneths after the importation thereof, for which they are to give ſufficient ſecurity to the Farmers or Collectors of his Majeſties Exciſe, at the entry of the ſaids Wines, which are to be according as they ſhall be loaded at the port from whence they came; And for the ſaid Importers, their greater eaſe and encouragement, his Majeſty, with conſent foreſaid, doth Statute and ordain, That the collectors or Farmers of his Majeſties *E*xciſe in all time coming, ſhall grant abatement to the ſaid Importers of the fourth part of the ſaid Exciſe duties of all Wines and Vinegar imported and entred by them, in conſideration and upon the account of leckage and decayed Wines, and other hazards and inconveniencies. And further, It is Statute and Ordained, for the encouragement and greater eaſe and advantage of trade and Merchants, that the Importers of all other Goods and commodities, except what is excepted from the duties of Exciſe by the foreſaid act of Parliament, ſhall pay the Exciſe thereof, according to the Books of Rates for His Majeſties cuſtoms, and as the ſaid commodities are and ſhall be valued and rated in the ſame; And if any of the ſaids commodities be not contained in the Books of Rates, the Exciſe of the ſame is declared to be five *per cent.* according to the value of the ſaid Goods; And the Exciſe of the ſaid Commodities is to be payed at the entring of the ſame in the Exciſe-office, unleſs the ſaid Exciſe-duty exceed the ſum of one hundred Merks *Scots*; in which caſe, the ſaid Importers ſhall be obliged to give ſufficient ſecurity for payment of the ſaid Exciſe-duty, within ſix Moneths after the entring of the ſame; they making it alwayes evident, that no Merchant ſhall make entry of any Goods, but what properly belongs to himſelf. And for further encouragement of Trade and Traffick, It is Statute and Ordained, that all Goods and Merchandiſe whatſoever imported, and which ſhall be inſtructed to be really exported, within twelve Moneths after the entring thereof, ſhall be free of Exciſe; and in caſe of payment thereof, the ſame ſhall be repayed at the exportation of the ſaid Commodities, the Importers alwayes making faith, that the Commodities exported, are the ſame which were imported and entred; and in caſe bond of ſecurity hath been given for the exciſe of the ſaid Commodities, the ſame ſhall be returned unregiſtrat, or diſcharged if the ſame be regiſtrat. And for the regulating of the Exciſe of Salt, and the better levying and inbringing of the ſame, his Majeſty, with conſent foreſaid, Statutes and Ordains, that the Importers of forraign Salt of all ſorts, at their entring of the ſame at the Exciſe-office, ſhall give ſufficient ſecurity for payment of the Exciſe thereof, conform to the Rates contained in the foreſaid fourteenth Act, and that the Importers ſhall be obliged by the ſaid ſecurity, to pay the ſaids reſpective Exciſe-duties, for ſuch parcels of the ſaid Salt as ſhall be retailed, when and as the ſame ſhall happen to be retailed, and to pay compleatly the whole Exciſe of the ſaid Salt, within twelve Moneths after the entring thereof, and that whether the ſaid Salt hath been expended and imployed upon the cureing of Fiſhes or not; providing alwayes, there be abated and allowed to them, the Exciſe of all Salt that ſhall happen to be caſt away at Sea; And likewiſe, the Exciſe of Salt expended upon Fiſhes, that may happen to be caſt away betwixt one Port and another, before the ſame be entred, to be exported out of this Kingdom, the wrack and quantities of the Salt or Fiſhes loſt thereby, being alwayes ſufficiently inſtructed. And further, It is Ordained that all In-land Salt conſumed within this Kingdom, whether the ſame be expended upon Fiſhes or imployed otherwiſe, ſhall be lyable to the duty of Exciſe, expreſt in the ſaid Act, which ſhall be payed by the firſt buyer thereof, and that before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foreſaid, that the Exciſe-duties *reſpective* above-mentioned, ſhould be payed for Forraign and In-land Salt, whether the ſame be imployed upon Fiſhes or otherwiſe, and that in reſpect of the great difficulties, to clear and make appear what Salt is imployed upon Fiſhes or not, and that his Majeſty may be prejudged of the Exciſe of Salt, upon groundleſs pretences, that the ſame hath been, or is to be imployed upon Fiſhes; Yet, nevertheleſſe, his Majeſty being moſt willing to give all due encouragement to the Trade of Fiſhing, and that whatſoever Salt ſhall be imployed and expended in order to the ſaid Trade, and upon the cureing of Fiſhes to be exported, ſhall in effect be free of exciſe; and upon, and after mature and exact conſideration of the quantity of Salt, neceſſary and ſufficient for each Laſt of Herring and White-

White-fiſh of any kind, and of each Laſt of Salmond, and what the Exciſe of the ſame Salt *reſpective* will amount to, finding that the Exciſe of the Salt of the Laſt of Herring and White-fiſh, will amount to the ſum of ten pounds, four ſhillings *Scots*, and that the Exciſe of the Salt of each Laſt of Salmond, will amount to the ſum of twelve pounds, money foreſaid. *His* Majeſty, with conſent foreſaid, Statutes and Ordains, that there ſhall be no Cuſtom exacted at the exportation of the ſaids Herring and White-fiſh, and that whatever the foreſaid ten pounds, four ſhillings of Exciſe, ſhall exceed the Cuſtom payable for the ſaids Herring and White-fiſh, at the exportation thereof, ſhall be duly and timeouſly payed to the Merchant-exporters, without any delay, reward or abatement for each Laſt of Herring and White-fiſh of any kind whatſoever that ſhall be exported out of this Kingdom: And that the foreſaid ſum of twelve pounds, for the Exciſe of the Salt of each Laſt of Salmond, at the entry and exportation ſhall be payed to the Heretors, Life-renters and others, from whom the Merchant-exporters bought theſe Salmond, they alwayes producing Certificates from the reſpective Heretors and others, making up the juſt quantities contained in their Entries; upon which Certificate, the foreſaid ſum of twelve pounds is to be payed, to the Heretors and others from whom theſe Salmond were bought, or to any having their warrand to receive the ſame; which ſums *reſpective* above-written, for the Herring, White-fiſh and Salmond, are to be payed in manner above-ſpecified, by the Collectors at the reſpective Ports where the ſame ſhall be entered, for whom, the Farmers and principal Collectors of the Exciſe are to be anſwerable and careful that the ſame ſhall be punctually payed; and in caſe of not punctual payment, they ſhall be lyable for the parties damage; providing alwayes, that the ſaid Herring, White-fiſhes and Salmond, be duly entered in the Exciſe-office, and the exportation thereof ſufficiently inſtructed to the Collectors, ſo as they may certifie the ſame under their hands. Likeas, His Majeſty, with advice foreſaid, doth inhibite and diſcharge the Collectors or Farmers of Exciſe upon any pretext, to give any eaſe or abatement of the fourty ſhillings *Scots* impoſed by the foreſaid fourteenth Act, upon ilk Bool of forraign Bay-ſalt, *Linlithgow*-meaſure, imported into this Kingdom: Certifying them, if they contraveen, the ſaids Collectors ſhall ſuffer deprivation of their Office, and the ſaids Farmers ſhall looſe the benefit of their Tack of the Exciſe, and ſhall be further lyable to the payment of ſuch fines and penalties, as the Lords of Exchequer ſhall think fit to inflict. And for the better inbringing of the Exciſe of the ſaid In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, ſhall be oblieged to exhibite and produce to the Collectors or Farmers of Exciſe or their Deputies, when they ſhall be required, their Compt-book of all Salt ſold, to be peruſed by them, and returned within the ſpace of twenty four hours, to the effect, it may be known what Salt is conſumed, and that the Exciſe of the ſame is duly payed, whereupon they are to make faith, if they be required, and that they have ſold nor diſpoſed upon no more nor is contained in the ſaid Books; And ſicklike, the Salters of every Salt-pan ſhall be oblieged to give an account to the Collectors of the ſaid Exciſe of the Salt appertaining to them any manner of way, and what they have ſold of the ſame, and to inſtruct, that the ſame hath been duly entered in the Exciſe-office, and that the Exciſe-duty of the ſame hath been payed, whereupon, and that they have ſold no more but what hath been duly entered, they are ordained to make faith if they be required; It is alwayes provided, that where Exciſe-offices are in the Town or place where the Salt is made, the Salt-maſters, their Greeves or Salters, ſhall be holden to repair to the Exciſe-office, to the effect foreſaid, if they be required; but if there be no Exciſe-office in theſe places, the Collectors or Farmers of Exciſe or their Deputies are appointed to conveen them at the reſpective Salt-Girnals, or Salt-pans where the Salt is made, and the ſaids perſons ſhall not be oblieged to go any further. And in like manner, His Majeſty conſidering, that divers queſtions and debates may ariſe, anent the interpretation of ſeveral Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Exciſe or Cuſtom of certain Goods, which are the Materials of the ſaids Manufactories; Doth hereby, with conſent foreſaid, Statute, Ordain and Declare, That no Manufactory ſhall have the benefit thereof, excepting ſuch as ſhall be, or hath been lawfully erected ſince the firſt day of January, one thouſand, ſix hundred, ſixty one years, and ſhall be found by the Lords of His Majeſties Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the ſame. And further, His Majeſty underſtanding, that if after ſo large expreſſions of His Majeſties Royal care and tenderneſs for the advancement of Trade and eaſe of Merchants, any ſhall be ſo unfaithful as to preſume to conceal and abſtract the Goods imported by them, thereby evading the payment of the Cuſtom and Exciſe due and payable to His Majeſty; not only His Majeſty will be prejudged of His Cuſtom and Exciſe, but alſo the Trade of Merchandiſe will be much endamaged by the ſaids Merchants their underſelling others, who do honeſtly make true entries of their Goods, and pay the duties of Cuſtom and Exciſe. Therefore, for preventing of the ſaid prejudice and abuſe, His Majeſty, with conſent foreſaid, doth give power and warrand to the Collectors of Cuſtom and Exciſe, or to their Deputies, to call and purſue ſuch perſons who ſhall wilfully and wickedly conceal and abſtract their Goods, or any part thereof, and not duly enter the ſame, or who ſhall be acceſſory, or any wayes aiding and aſſiſting to the concealing or abſtracting thereof; and that before the Lords of His Majeſties Exchequer, if the ſaids perſons dwell and reſide within twelve miles of the place where the ſaids Lords ſhall happen to ſit for the time, or in their option, before any other competent Judge: And in caſe the ſaids perſons live at farther diſtance, it ſhall be lawful to the ſaids Collectors or Farmers, or their Deputies, to purſue them before the Sheriffs, Stewarts of Stewartries, or Bailiffs

Bailiffs of Regalities, Magiſtrats of Burghs, or any other competent Judges, who are hereby required to take due and ſpeedy tryal of the premiſſes, and to admit probation thereof by writ, witneſs, Oath of party or otherwiſe according to Law, any Act or Acts of Parliament, or Clauſes therein contained to the contrary thereof notwithſtanding. And to the end, that his Majeſties Lieges and Merchants, upon the occaſion and pretence foreſaid, be not unjuſtly moleſted and troubled, It is Ordained, that the ſaids Proceſs and Purſutes ſhall be intended within three Moneths after the fraudful abſtracting and imbezleing foreſaid; and that theſe at whoſe inſtance they ſhall be purſued, ſhall be obliged to give their Oaths *de calumnia*, if thereto required, that the ſaids purſutes are not intended of malice, but upon credible information, and that they have juſt reaſon to purſue, as they conceive. And in caſe any Merchant, Skipper, Mate or Marriner, or other perſon ſhall be found guilty of, or acceſſory to, the ſaid imbezleing, in concealing or abſtracting any Goods which ought and ſhould have been entered; It is Statute and Ordained, that the ſaid delinquents ſhall be impriſoned for the ſpace of twenty four hours, and until they make payment of the full price and value of the Goods which ſhall be found to have been abſtracted by them, and ſhall be further fined by the Lords of his Majeſties Exchequer, as they ſhall ſee cauſe. And in caſe any Goods ſhall be found and ſeiſed, upon acount that they were concealed and not duly entered, they ſhall not only be derained and confiſcat without redemption, but alſo the Owners of the ſaids Goods, and all others who ſhall be found to be acceſſory or aiding to the concealing or abſtracting of the ſame, ſhall be impriſoned for the ſpace of twenty four hours, and ſuch fines and other puniſhment ſhall be impoſed and inflicted upon them, as the Lords of Exchequer ſhall appoint. And that the Collectors of his Majeſties Cuſtoms and Exciſe and their Deputies, at the making their accounts of their intromiſſion with the Cuſtom and Exciſe duties, ſhall be holden and obliged to give their Oaths upon the truth of theſe accounts to be given in by them. And it is Provided and Declared by His Majeſty, with conſent foreſaid, that the foreſaid Act of his Majeſties firſt Parliament, whereby the Exciſe is impoſed, ſhall ſtand, and is and ſhall be of full force; except in ſo far as the ſame is altered, innovat, qualified and taken away in manner above-mentioned.

XIII.

ACT for annexation of Orknay *and* Zetland *to the* Crown.

December 17. 1669.

FOraſmuch as the Iſles of *Orknay* and *Zetland* are a great and ſo conſiderable a part of this His Majeſties ancient Kingdom, that for divers ages they were the occaſion of much trouble and expence of blood and money, for maintaining thereof againſt the invaſion of Forraigners, and recovering the ſame out of their hands by Armes and Treaties; And the ſaids Iſles being of a great and large extent of bounds, and ſo remote and at ſuch a diſtance from the ordinary ſeat of Juſtice and Judicatories, that the Inhabitants within the ſame are not able to travel in the winter ſeaſon; and at other times cannot, without great trouble and expences, repair to the ſaid Judicatories to complean when they are oppreſſed and grieved. It is not only fit in order to His Majeſties Intereſt, but will be the great advantage of His Majeſties Subjects dwelling there, that without interpoſing any other Lord or Superior betwixt his Majeſty and them, they ſhould have ane immediat dependance upon his Majeſty and His Officers, being their great ſecurity againſt Forraign attempts and oppreſſion at home. And ſeeing it is moſt expedient and neceſſar, that a publick Patrimony and certain Revenue in Lands, Lordſhips and others, ſhould be ſetled upon, and annexed unto his Majeſties Crown, for ſupporting of His Royal Eſtate and Government, and the great and neceſſar charges of the ſame, which if not defrayed out of His Majeſties own Property and Revenue, would unavoidably ly, and be a heavy burden upon his Majeſties Lieges: And to that purpoſe, divers Acts of Annexation have been made from time to time, and in ſpecial the Earldom of *Orknay* and Lordſhip of *Zetland*, with the pertinents of the ſame, were annexed to the Crown in the years, one thouſand, five hundred, and fourty, and one thouſand, ſix hundred, and twelve, *reſpective*. And yet importunity prevailing with his Majeſty and his Royal Father, their goodneſs and inclination to gratifie their Subjects, they have been induced to give away and part with ſo great a Jewel of their Crown, and to diſpone and grant Rights of the ſaid Earldom and Lordſhip; which being found to be to the great prejudice of His Majeſty, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this Kingdom, by a Decreet of the Lords of Seſſion, obtained upon the twenty fifth day of *February* laſt by-paſt, at the inſtance of Sir *John Nisbet* of *Dirletoun* Knight, His Majeſties Advocat, for His Majeſties intereſt, againſt *William* Earl of *Mortoun*, *Charles* Lord of *Dalkeith* his Son, *George* Viſcount of *Grandiſtoun*, and certain other perſons therein mentioned; the ſaids Lords by their Decreet foreſaid, have reduced the Contracts, Diſpoſitions, Infeftments, Acts of diſſolution, and other Rights therein mentioned, made and granted by His Majeſty and His Royal Father, to, and in favours of the deceaſed *William* Earl of *Mortoun*, Grand-father to *William* now Earl of *Mortoun*, and the ſaid *George* Viſcount of *Grandiſtoun*, of the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, with the Rights alſo therein mentioned depending thereupon: and the ſaid Lords have found and declared, that His Majeſty hath good and undoubted Right to the ſaid Earldom and Lordſhip, as His annexed Property, for the

reaſons therein contained; as the ſaid Decreet at length proports. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, doth Ratifie and Confirm the ſaid Decreet, and Ordains the ſame to be of full force, ſtrength and effect in all time coming; holding and willing this their Ratification to be als ſufficient and effectual, as if the ſaid Decreet and whole tenor of the ſame were inſert herein. And his Majeſty, following the laudable example and practice of his Royal Predeceſſors, doth, with conſent foreſaid, Ratifie the ſaid former Annexation of the ſame to the Crown; and without prejudice thereof, doth of new again unite, annex and incorporat to His Crown of this His ancient Kingdom, to remain inſeparably with the ſame in all time coming, the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, withall and ſundry Iſles, Holms, Udal-lands and other Lands whatſoever, of what name and by what deſignation ſoever the ſame are or may be known, lying within the Sheriffdom of *Orknay* and pertaining to the ſaid Earldom and Lordſhip, and belonging to his Majeſty in manner foreſaid, in Property or Superiority, or by any other Right or Title, together with all Caſtels, Towers, Fortalices, Milns, Multars, Fiſhings, Annual-rents, Reverſions, Patronages of Kirks, and Teinds, Parſonage and Vicarage pertaining to his Majeſty within the bounds foreſaid; And all and whatſoever Mines of Gold, Silver, Copper and other Minerals within the foreſaid bounds, with the heretable Office of Juſticiary, Sheriffſhip and Foudrie and Admiralty within the foreſaid Iſles, and belonging to the ſaid Earldom and Lordſhip, with all other Parts, Pendickles and Pertinents, Caſualities, Priviledges, Juriſdictions, Offices and others whatſoever pertaining to the ſame; all which, his Majeſty, with conſent foreſaid, doth unite and annex to His Crown, Declaring the generality foreſaid to be ſufficient to the intent & effect foreſaid, as if each Part, Parcel, Pertinent, Office, Patronage or Priviledge belonging to the ſaid Earldom and Lordſhip were herein expreſt. And it is Statute and Declared, That the ſaid Earldom and Lordſhip, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foreſaid, ſhall remain therewith in all time coming; and that the ſame or any part thereof ſhall not, nor may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Penſion or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Diſpoſition whatſoever, to any perſon or perſons of whatſoever eſtate, degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament; and for great, weighty and reaſonable cauſes concerning the good, wellfare and publick Intereſt of the whole Kingdom, firſt to be propoſed and to be adviſed, and maturely pondered and conſidered by the Eſtates, *re integra*, before any previous Grant, Right or Deed be given, made or done by his Majeſty or his Succeſſors, concerning the diſpoſition of the ſaid Earldom and Lordſhip or any part thereof, which may any wayes predetermine them or the Eſtates of Parliament, and prejudge the freedom of their Deliberation and Conſent. And if at any time hereafter it ſhall be thought fit to diſpone or grant any Right of any part of the ſaid Earldom and Lordſhip, It is Declared, that the general narrative of good ſervices, weighty cauſes and conſiderations ſhall not be ſufficient; but the particular cauſes and conſiderations, whereupon His Majeſty and His Succeſſors may be induced to grant, and the Eſtates to conſent to ſuch Rights, are to be expreſt; that it may appear, that the ſame is not granted through importunity, or upon private ſuggeſtions or pretences, but for true, juſt and reaſonable cauſes and conſiderations of publick concernment. And farther, It is Declared, that if any general Act of Diſſolution of His Majeſties Property ſhall be made at any time hereafter; the ſaid Earldom and Lordſhip, and others above-mentioned and annexed, ſhall not be underſtood to fall or be comprehended under the ſame; And if the ſaid Earledom and Lordſhip, or any part thereof, ſhall be annallied or diſponed, or any Right of the ſame ſhall be granted otherwaies then is appointed and ordained in manner above-mentioned; His Majeſtie, with conſent foreſaid, doth ſtatute and Declare, That all Diſpoſitions, Infeftments and other Rights of the ſaid Earledom and Lordſhip, or any part thereof which ſhall be granted contrary to this preſent Act, with all Acts of Diſſolution and Ratification and other Acts of Parliament concerning the ſame, ſhall be from the beginning and in all time comming void and null, and of no effect: And notwithſtanding thereof, that it ſhall be lawful to our Soveraign Lord and His Succeſſors for the time, to take back and receive at their pleaſure for their own uſe, without any Proceſs of Law, the Lands and others above-annexed, or any part thereof which ſhall be annallied or diſponed; and theſe in whoſe favours any ſuch Rights and Alienations ſhall be made, ſhall be countable for, and liable to refound and pay all profits, intromiſſion or benefit taken, uplifted or enjoyed by them in the mean time: And it is Declared, that all other Clauſes, Articles and Proviſions contained in any former Act or Acts of Annexation to the advantage of His Majeſty and His Crown, are and ſhall be holden as repeated and inſert herein. And farther, His Majeſty, with advice and conſent of the Eſtates foreſaid, hath ſuppreſſed the ſaid Office of Sheriffſhip, and hath erected and hereby erects a Stewartry within the bounds foreſaid of the ſaid Earldom and Lordſhip, and Iſles of *Orknay* and *Zetland*, to be called in all time comming, *The Stewartry of* Orknay *and* Zetland; Ordaining the Tennants, Poſſeſſors and Inhabitants within the bounds foreſaid, and other perſons who were formerly anſwerable and lyable to the juriſdiction of Sheriffſhip, and Foudrie above-mentioned, to be anſwerable to His Majeſties Stewart of the ſaid Stewartry, with all Priviledges competent to any Stewartry of His Majeſties Property within this Realm. Likeas, it is Declared and Statute, that the foreſaid Office of Stewartry ſhall not be given heretably to any perſon or perſons and their heirs, without advice and conſent of Parliament in manner above-mentioned; and all Rights of the ſame which ſhall be granted otherwayes at any time hereafter, ſhall be from the beginning and in all time comming null and void.

It

It is alwayes Declared, that this Act and Annexation foresaid shall not prejudge the Bishop of *Orknay* of His Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Successors shall be in the same case as they were before the making hereof. And likewayes it is Declared, that the Annexation foresaid and the suppressing of the said Office of Sheriff, and the erecting of the said Stewartry shall be without prejudice to His Majesties Vassals within the said Isles, of their Liberty and Priviledge to have and send Commissioners to Parliament, to represent them in the same manner as they did or might have done formerly.

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.

OUR SOVERAIGN LORD considering, that by the eleventh Act of the third Session of His Majesties late Parliament, liberty is granted to export Corns of all sorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Pease under eight merks the Boll. And seeing, by reason of several Duties formerly imposed upon Corns, the exportation thereof hath been hitherto obstructed; And His Majesty being desirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the same: Hath therefore thought fit, Like-as, His Majesty, with advice and consent of His Estates of Parliament, doth Statute and Declare, That all Corns which shall be exported in time coming by His Majesties Subjects forth of this Kingdom, shall be free, and are hereby discharged of the payment of Custom, Bullion, and all other Duties whatsoever, except one Merk Scots allanerly for ilk Chalder. And lest any considerable prejudice should thereby ensue to His Majesties Customs, it is Statute and Ordained, that the Duties after-mentioned are and shall be imposed upon the Commodities following, *viz.* Ten shillings Scots upon ilk Barrel of Tar, and twenty shillings Scots upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impositions put thereon; and the Customers, Collectors and their Deputies are hereby appointed and impowered to uplift the same accordingly. And for preventing any debates that may arise anent the respective prices of the Victual, when the same are under or above the rates expresst in the said Act; His Majesty, with advice foresaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the same; And Declares, that it shall be lawful to His Majesties Subjects to export Corns of all sorts, unless by a Proclamation or publick Intimation from the saids Lords of Council, they be prohibited and discharged to do the same. And Ordains this Act to begin and take effect upon the second day of February next to come.

XV.

ACT for regulating the prices of Ale and Drinking-beer, and Malt-men.

December 23. 1669.

OUR Soveraign Lord considering that it is most agreable to reason and equity, and of universal concernment to all His Majesties Subjects, and specially to those of the meaner sort, that a due proportion be observed betwixt the price of the Boll of Beer, and the Pint and other measures of Ale and Drinking Beer vented and sold within this Kingdom, that thereby the liberty taken by Brewars and Vintners to exact exorbitant prices for Ale and Drinking-Beer at their pleasure, may be restrained. Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth recommend to, and authorize the Lords of His Majesties Privy Council from time to time, after consideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and set down the prices of all Ale and Drinking-Beer, vented and sold in the several Shires and Burghs of the Kingdom, as they shall think just and reasonable; And likewayes to set down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like manner as betwixt the price of the Ale and the Boll of Beer: With power to the saids Lords of Council to make and emit such Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict such censures, pains and penalties upon the contraveeners of these Acts and Orders as they shall think fit; and to do all other things requisite for execution of the same. And in case, after settling of the saids prices by the Lords of Council, any Brewar shall cease from, and give over their Brewing or venting of Ale or Beer, His Majesty, with advice foresaid, Declares, that they shall not be permitted or allowed to brew or vent any Ale or Beer for the space of one year thereafter, and shall be further lyable to such pains and punishments, as the Lords of Council shall think fit. And further, His Majesty taking to consideration, that by the twenty ninth Act of the first Parliament of King *James* the sixth, Maltmen are declared to be no Craft, & discharged to have a Deacon; which Act of Parliament, His Majesty, with advice foresaid Ratifies and Approves, and Ordains the same to stand in full force and effect in all time coming.

and that notwithſtanding of the ſaid Act, and expreſly contrair thereto, the Provoſt and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thouſand, ſix hundred, and fourty ſix, ranked Malt-men amongſt one of their Trades and Callings, diſcharged any to be admitted thereto within their Barrony of *Leith*, but by their Licence, with conſent of the Calling; and have conſtitute a Box-maſter amongſt them, and granted liberty to them to meet and keep correſpondence, providing the Water-Bailiff be preſent with them: Therefore, his Majeſty and Eſtates of Parliament not only Declares the ſaid pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the ſame to be razed out of their Regiſters; but diſcharges the ſaid Town, or any other Burgh within the Kingdom, ever to preſume to do the like again; And Ordains the ſaid Box to be broken, and the Office of Deacon, Viſitor, Box-maſter, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Malt-men, to ceaſe at *Lieth*, and in all other Burghs, Towns and places in the Kingdom; With certification, that if they ſhall be found hereafter to meet and keep correſpondence amongſt themſelves, upon whatſoever pretence, either at *Leith*, *Edinburgh*, or in any other Burgh, Town or Place, ilk perſon ſo meeting ſhall be lyable in the penalty of five hundred Merks *toties quoties*, whereof the one half to be payed to the informer, he proving the ſame before the Council; and this by and attour ſuch perſonal puniſhment, as the Lords of Privy Council ſhall think fit to inflict.

XVI.

ACT for repairing High-wayes and Bridges.

December 23. 1669.

OUR SOVERAIGN LORD conſidering how neceſſar it is for the good of the people, that High-wayes be made and maintained for ready and eaſie Paſſage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Juſtices of Peace, hath yet for the moſt part proven ineffectual, in regaird the ſaids Juſtices have not had ſpecial Orders and Warrands for that effect. For remeid whereof, his Majeſty, with advice and conſent of the Eſtates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputes, being alwayes an Heretor therein, and the Juſtices of Peace in each Shire, to conveen at the head Burgh of the Shire upon the firſt Tueſday of *May* yearly, for ordering of High-wayes, Bridges and Ferries; with power to them, or major part of them that ſhall happen to conveen, to ſet down a particular Liſt of the High-wayes, Bridges and Ferries within their bounds, and to divide the Paroches of the ſaids bounds as they lye moſt to the ſeveral High-wayes to be repaired, and as they may have the moſt equal burden, and to appoint ſuch of their number or others Overſeers of ſuch parts and portions of the ſaids High-wayes, as are moſt convenient and neareſt to their ordinary reſidence, and to nominate ſuch of their number as they ſee fit, to ſurvey and give an account of the High-wayes, Bridges and Ferries unto the reſt; with power to them to appoint Meetings from time to time, till the ſaid Survey, Liſt and Diviſion of the ſaids High-wayes be cloſed: which perſons, or any one of them to whom the particular portions of the ſaids Highwayes ſhall be committed, are hereby authorized and ſtrictly required, to call and conveen all Tennants and Cottars, and their Servants, within the bounds appointed for their parts of the High-wayes, by publick intimation at the Paroch-Kirks upon the Sabbath day, immediatly after the firſt Sermon, or any other way that they ſhall think fit, to have in readineſs Horſes, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and ſuch other inſtruments as ſhall be required, for repairing of the ſaids High-wayes, and to conveen at ſuch places thereof as they ſhall be required, and in ſuch proportion and with ſuch furniture as the ſaids Juſtices or Overſeers ſhall appoint, and that in the moſt equal and proportionable way, as the ſaids Juſtices and Overſeers will be anſwerable. With power to them to deſign ſuch of the ſaids perſons as they find to be moſt skilful, to attend and direct the reſt, and to appoint them fit wages for their attendance; providing thar the dayes they are required to work do not exceed the number of ſix dayes for Man and Horſe yearly for the firſt three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-ſeed yearly, and Hay-time or Harveſt thereafter: With power to the ſaids Juſtices or Overſeers to poind the readieſt Goods of the abſents, for twenty ſhillings *Scots* money for the abſence of ilk Man daily, and thirty ſhillings for the Man and Horſe, without further ſolemnity but appriſing the ſame upon the ground of the Land, and therewith to hire others in place of the abſents; and in caſe the ſaids abſents ſhall have no poindable Goods, to puniſh them in their perſons as they ſhall ſee cauſe. Which High-wayes ſhall be twenty foot of meaſure broad at leaſt, or broader, if the ſame have been ſo of before, and ſhall be ſo repaired, that Horſes and Carts may travel Summer and Winter thereupon: and if any part of the ſaids High-wayes cannot well be continued as now they are, but require to be changed, the ſaids Juſtices ſhall appoint three of their number to viſit the places where the High-wayes need to be changed, and to ſet down Meiths for the new way in place thereof, and upon Oath to eſtimate the damage of the parties prejudged thereby, and to deliver the ſame to them in writing under their hands, to the effect the ſame may be ſatisfied by the whole Shire, in manner after-ſpecified. Which Juſtices are Ordained again to conveen at the head Burgh of the Shire the firſt Tueſday of *June* yearly, and thence every Tueſday from fourtnight to fourtnight, at ſuch places as ſhall be by them appointed

appointed during the Moneths of *June* and *July*, for three years next enſuing, for taking accompt of the ſaid ſeveral Juſtices and Overſeers of the reſpective proportions of High-wayes committed to them, & to fine thoſe Juſtices and Overſeers who ſhall failzie; ſtill increaſing the ſaids fines till they give obedience and perform their part, and to poind therefore upon the ground of the Lands where their Goods ſhall be found, without further ſolemnity. With power alſo to the ſaids Juſtices to viſit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correſpond with the Juſtices of the other Shire, to the end they may appoint fit and ſufficient Boats, and convenient Landing places; and ſo to regulate all things concerning the Ferries, as His Majeſties Lieges may be readily and conveniently ſerved, and at reaſonable rates, and to puniſh all ſuch as ſhall neglect or tranſgreſs the Rules ſet down be them for the effect foreſaid.

And becauſe the work of the inhabitants within the ſeveral bounds, will not be able ſufficiently to repair the High-wayes and others foreſaid; Therefore, His Majeſty, with advice and conſent of the ſaid Eſtates, doth hereby authorize and require the whole Free-holders and Heretors of the ſeveral Shires, to conveen at the reſpective head Burghs the ſaid firſt Tueſday of June yearly, and to call for an accompt from the Juſtices of Peace of what is needful for reparation of the High-wayes and others foreſaid, and what charges and expenſes is requiſite for promoving thereof; and for making or repairing Bridges and Ferries where they ſhall be found needful, and accordingly to ſtent the Heretors of the ſaid Shire, comprehending the Heretors of the Burrough-lands therein, in what ſhall be found neceſſary for the effect foreſaid, not exceeding ten ſhillings Scots upon each hundred pound of valued Rent in one year, which is to be uplifted be the ſaids Juſtices or whom they ſhall appoint, be poinding as ſaid is, and imployed for the uſe foreſaid; and of which they ſhall be oblieged to give an accompt to the ſaids Heretors at the next Michaelmas head Court yearly. Likeas, His Majeſty, with conſent foreſaid, prohibits and diſcharges all perſons whatſoever to break or abuſe the ſaids High-wayes by plowing up any part thereof, laying ſtones, rubbiſh or dung thereon, or any way breaking or pooling the ſame, or turning in, or damming water thereupon; and Ordains the Conveener of the ſaids Juſtices at their meeting the ſaid firſt Tueſday of May yearly, to take an Oath of the remanent Juſtices and of the Conſtables, of what damage they know done to the High-wayes, Bridges or Ferries ſince the year preceeding, in any of the foreſaid particulars prohibited, or any other, and by whom. Upon which the ſaids Juſtices ſhall conveen the tranſgreſſors, and in caſe of conviction by Oath or Witneſs, ſhall fine them as they ſhall ſee juſt, and ſhall poind therefore in manner foreſaid, and apply the ſame for the uſe of the ſaids High-wayes. with power alſo to the ſaids Juſtices, to call for an accompt of all Deſtinations and Mortifications to Bridges, Cauſa's, Ferries or High-wayes, and to cauſe the intrometters therewith, that have not applyed the ſame to theſe proper ends, to make payment thereof to ſuch perſons as they ſhall appoint, to be imployed to the uſes for which the ſame were deſtinat. Likeas his Majeſty Ordains the Conveener of the ſaids Juſtices to give a particular accompt under his hand, of what progreſs is made in the reparation of the ſaids High-wayes, Ferries and Bridges, upon the third Tueſday of *July* next to come, and ſo forth yearly to the Lords of his Majeſties Privy Council, who are hereby impowered to grant Letters of Horning and Poinding for the effects foreſaid, if need be.

And further, His Majeſty, with conſent foreſaid, gives power to the ſaid Lords of his Majeſties Privy Council, to Ordain the levying of moderat Cuſtoms at Bridges, Cauſa's or Ferries, for the building, repairing and upholding thereof, in caſe the ſaid Stent ſhall not be able to accompliſh the ſame, and to appoint the endurance thereof as they ſhall ſee cauſe. With power alſo to them, that in caſe the ſaids Juſtices and Heretors failzie in the performance of the things by this Act committed to them, ſo that the High-wayes ſhall not be ſufficiently repaired, nor Bridges and Ferries ſufficiently provided for, to take ſuch courſe for making the ſame effectual as they ſhall judge expedient, and to puniſh the ſaids Heretors and Juſtices, as their neglect ſhall deſerve: With power likewiſe to the ſaids Lords of privy Council, to appoint and commiſſionat Overſeers for putting the premiſſes in execution where they ſhall ſee cauſe; which Overſeers ſo appointed, ſhall have the ſame power as is by this preſent Act committed to the Juſtices of Peace foreſaid. And farther, his Majeſty Ordains, that where laboured Land lyes upon the ſides of High-wayes, the ſaid laboured Land ſhall be fenced with Dike and Ditch or Hedge; yet ſo as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High-way: And in caſe any laboured Land ſo lying ſhall not be fenced betwixt the firſt day of *Auguſt*, one thouſand, ſix hundred, and ſeventy one, then and in that caſe, the ſaids Juſtices are hereby authorized and required to cauſe poind in manner foreſaid, the Labourers of the ſaid Land, for four ſhillings *Scots* for each eln which ſhall not be ſo fenced after the ſaid time, and to apply the ſaid fines for the fencing thereof in manner foreſaid. Likeas, it is hereby Declared, that whatſoever ſtones, rubbiſh, dung or other impediments beis thrown or found lying upon the ſaids High-wayes, or water turned in or dammed thereupon, ſhall be eſteemed and held as done by the Labourers of the Land next adjacent to the High-wayes where the damage is done, who ſhall be fined therefore be the ſaid Juſtices and Overſeers; Reſerving right to the ſaids Labourers to call before the ſaids Juſtices any other for their relief, who have been the real actors of the ſkaith.

XVII.

ACT anent incloſing of Ground.

December 23. 1669.

WHereas by the fourty one Act of the firſt Seſſion of His Majeſties firſt Parliament, entituled, *Act for planting and incloſing of* Ground, It is provided, that where Incloſers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor ſhall be at equal pains and charges in building, ditching and planting that Dike which divides their Inheritance. And the Eſtates of Parliament conſidering the inconveniency and difficulty the execution of that part of the ſaid Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or uncapable of bearing a Dike or receiving a Ditch, or hinders the compleating of the Incloſure in ane equal line. For remeid whereof, His Majeſty, with advice and conſent of the ſaid Eſtates, doth Statute and Ordain, That whenſoever any perſon intends to incloſe by a Dike or Ditch upon the March betwixt his Lands & the Lands belonging to other Heretors contiguous thereunto; it ſhall be leiſom to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts of Stewartries, Juſtices of Peace or other Judges Ordinar, to viſit the Marches alongſt which the ſaid Dike or Ditch is to be drawn, who are hereby authorized, when the ſaid Marches are uneven or otherwayes uncapable of Ditch or Dike, to adjudge ſuch parts of the one or the other Heretors Ground, as occaſion the inconveniency betwixt them; from the one Heretor in favours of the other, ſo as may be leaſt to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parties ſo adjudged *reſpective* from the one to the other, being eſtimat to the juſt avail and compenſed *pro tanto*, to decern what remains uncompenſed of the price, to the party to whom the ſame is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, ſhall remain and abide with the Lands or Tennandries to which they are *reſpective* adjudged, as parts and pendicles thereof in all time coming.

XVIII.

A *CT anent adjudications.*

December 23. 1669.

OUR SOVERAIGN LORD taking to conſideration, that by ſeverall Acts of Parliament and conſtant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others appriſed, due and payable to the Superior of the ſaids Lands and others, before he be holden to enter and inſeſt the Compriſer; and that there is the ſame reaſon in caſes of Adjudications as Appriſings. Therefore his Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes, Ordains and Declares, that the Superiors of Lands, Annual-rents and others adjudged, ſhall not be holden to grant any Charter for Infefting the Adjudger, till ſuch time as he be payed and ſatisfied of the years Rent of the Lands and others adjudged, in the ſame manner as in Compriſings; And Declares, that in all caſes, Adjudications ſhall be in the like condition with Compriſings, as to Superiors.

XIX.

A *CT concerning the Confirmation and Quots of Teſtaments*

December 23. 1669.

OUr Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That it ſhall be lawful to Executors, at the confirmation of the defuncts Teſtament, to give up the debts owing be the Defunct, and that the Quot be only payed for the free Geer (the Debts being alwayes inſtructed) With power to the ſaids Executors, for inſtructing of the ſaids Debts before the Commiſſar the time of confirmation, to cite the Creditors for production of the Bonds and Inſtructions of their ſaids Debts; and if the ſaids Creditors ſhall not produce the ſame, and yet ſhall happen thereafter to ſeek payment from the Executors, that then and in that caſe, the Creditors ſhall be obliged to relieve the Executors of a proportion of the Quot payed by them, effeiring to the ſaid Debt, or otherwayes to allow the ſame to them; And preventing of all fraud, both the Executors and the Creditors ſhall be holden to make faith, if required, anent the truth and reality of the ſaids Debts, that they were truly reſting unſatisfied the time of the defuncts deceaſe. And likewayes, Statutes and Ordains, That in all time comming, Executors Creditors be free of paying of Quot, in ſo far as they confirm only for Debts reſting to them be the Defunct

the

the time of his deceaſe, and thereupon the ſaids Executors ſhall be holden to make faith, if required, notwithſtanding of any Inſtruction produced by them. As alſo, the Relict confirming her ſelf Executrix Creditrix, and for ſatisfying of the obliegement of her Contract of Marriage, or other Proviſion made to her by her Husband where there was no Contract of Marriage, be alſo free of Quot, in ſo far as the Inventer extends to five years purchaſe of the Annual-rent or Life-rent provided to her; and that ſhe ſhall be lyable and pay Quot for the *ſuperplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themſelves Executors Creditors. As likewayes, that poor people, not worth in heretable or moveable Eſtate fourty pounds *Scots* money, have their Confirmation paſt and regiſtrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen ſhillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts reſting by the Defunct, be Infeſtment, Bonds or Contracts bearing obliegment to infeft, be not allowed be the Commiſſars at the Confirmation, to defaulk off the Inventer in prejudice of the Quot, where there is an heretable Eſtate belonging to the Defunct to ſatisfie the heretable Debts, even though the ſaids Debts be given up by the Defunct himſelf or his Executor. And likewayes, it is Statute and Ordained, that Commiſſars admit of no diviſion in Teſtaments, in favours and upon accompt of the Relict, where by her Contract of Marriage or otherwayes, ſhe is ſecluded from all part of her Husbands moveables; And if a bipartit or tripartit diviſion be craved be the Executor at the confirmation upon her accompt, in that caſe the Procurator Fiſcal ſhall have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the ſame or any other Writ, ſhe is ſecluded: And if it appear, either be the ſaid Contract or be any other Writ, or be the Relicts Oath, that ſhe is ſeclude d from the third or half of the moveables, That then the Teſtament ſhall be confirmed without diviſion upon her accompt, and the Quot payed accordingly; And in caſe there be any exception in the Relicts favours, of the Inſight and Houſhold-pleniſhing, or any part thereof, In that caſe deduction is only to be granted of the Quot, effeiring to the proportion excepted and reſerved in her favours. And laſtly, His Majeſty, with advice foreſaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any perſon, at the Procurator Fiſcals inſtance, for giving up of Inventer, but upon a Roll of the perſons names to be charged ſubſcribed be the Commiſſar, and that within the ſpace of three years after the Defuncts deceaſe, after which time it ſhall not be leiſome to give any ſuch Charges of Horning for giving up of Inventer; And for the years preceeding, that they ſhall only charge for giving up Inventer of the Goods of ſuch Defuncts who have deceaſt ſince the year, one thouſand, ſix hundred and ſixty. And Ordains, That Letters of Caption ſhall not be uſed againſt any of His Majeſties Lieges for not confirming of Teſtaments, but where the Letters of Horning have been execute againſt the parties perſonally, or at their Dwelling-houſes and Paroch Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commiſſars of the reſpective Dioceſſes, to keep Circuit Courts the time of the Spring and Harveſt Vacance, for Confirmation of Teſtaments at ſuch convenient places in ilk Presbytery, as may be moſt conducing to the good and eaſe of the Lieges; and whereunto they are to be cited perſonally, or at their Dwelling-places and Paroch-Kirks as ſaid is, to the end and effect foreſaid: With certification, that if the Commiſſar, Commiſſar-clerk, Procurator Fiſcal, or any other Member of Court, contraveen this Act, the contraveener ſhall ſuffer deprivation of his Office, and never be re-admitted thereto again, beſide ſatisfaction to the party grieved, of any damage ſuſtained by him there-through.

XX.

ACT for in-bringing of publick Dues from the Northern Shires.

December 23. 1669.

OUR Soveraign Lord conſidering, that divers perſons within the Shires of *Roſs*, *Sutherland*, *Caithneſs*, *Argyl*, *Inverneſs* and Burghs within the ſame, are in arrear, and deficient in payment of a conſiderable part of the Annuity of Exciſe, granted to His Majeſty in the year, one thouſand, ſix hundred and ſixty one, the Taxation and Aſſeſſment impoſed by the Conventions of Eſtates in the years, one thouſand, ſix hundred and ſixty five, and, one thouſand, ſix hundred and ſixty ſix, notwithſtanding of all legal diligence uſed for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the ſaid Annuity of Exciſe in time comming, His Majeſty, with advice and conſent of the Eſtates of Parliament, doth Statute, Ordain and Declare, That the perſons deficient and in arrear of the foreſaid Annuity of Exciſe, Taxation and Aſſeſsment in the ſaid Shires, and Burghs within the ſame, preceeding the Moneth of *November* laſt, and who ſhall not pay in the ſame according to their reſpective proportions, to the Receivers and Collectors thereof, betwixt and the firſt day of *June* next to come, ſhall be lyable in double payment of all ſuch deficiency and arrear, without any manner of defaulcation. And farther Declares, that if for the future, three quarters payment of the ſaid Annuity of Exciſe in the ſaid Shires, ſhall happen to run in the fourth unpayed (the feaſt and terme of *Candlemas* next enſuing being the firſt terme)

Then

Then and in that caſe, ſuch Shires, Burghs and Perſons therein ſo deficient, ſhall be lyable in payment of the double of the whole years Annuity of Exciſe, *toties quoties*, and all execution perſonal and real ſhall be uſed againſt them therefore. And His Majeſty and Eſtates of Parliament doth hereby Declare, That this preſent Act or any thing therein contained, ſhall no wiſe liberate the Commiſſioners of Exciſe for the ſaid reſpective Shires and Burghs, from being lyable in the ſingle payment allanerly of the ſaid Annuity of Exciſe; but that they ſhall ſtill ſtand oblieged therefore as formerly, in manner contained in the Act of Parliament made thereanent.

XXI.

ACT Salvo jure cujuſlibet.

December 23. 1669.

OUR Soveraign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged: Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt Parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuſlibet*.

XXII.

ACT of Adjournment.

December 23. 1669.

THE King's Majeſty Declares this Parliament current, and Adjourns the ſame to the eight of *June* next to come; Ordaining all the Members of *Parliament* to attend that day, And that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

FINIS.

A LIST

A LIST

Of the Printed *ACTS* paſt in the *Parliament*, keeped at *Edinburgh* in *October*, 1669.

1. *ACT aſſerting His Majeſties Supremacy over all perſons and in all Cauſes Eccleſiaſtical.*
2. *Act concerning the* Militia.
3. *Act for regiſtration of Inſtruments of Reſignation* ad remanentiam.
4. *Act concerning poinding before the dayes of the* Charge *expire.*
5. *Act for the ſecurity of the perſons of Miniſters.*
6. *Act for the ordering of Suſpenſions of the Benefices and Stipends of the Clergy.*
7. *Act for Naturalization of Strangers.*
8. *Act concerning the Bullion.*
9. *Act concerning Preſcriptions.*
10. *Act concerning Interruptions.*
11. *Act concerning the forfeiture of perſons in the late Rebellion.*
12. *Act concerning the Exciſe and Cuſtoms.*
13. *Act for annexation of* Orknay *and* Zetland *to the Crown.*
14. *Act concerning the exportation of* Corns.
15. *Act for regulating the prices of Ale & Drinking-beer, & Malt-men.*
16. Act *for repairing High-wayes and Bridges.*
17. *Act anent incloſing of* Ground.
18. *Act concerning Adjudications.*
19. *Act concerning the* Confirmation *and Quots of Teſtaments.*
20. *Act for in-bringing of publick* Dues *from the Northern Shires.*
21. *Act* Salvo jure cujuſlibet.
22. Act *of* Adjournment.

FINIS.

A LIST

Of the ACTS *and* RATIFICATIONS *paſt in this firſt* Seſſion *of His* MAJESTIES *ſecond* Parliament, *and which are not here printed.*

PRoteſtations by ſome Noblemen, and others Commiſſioners from Shires and Burghs, concerning their precedency in the Rolls of Parliament.
His Majeſties Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*, with the Parliaments Anſwers.
Act anent the election of Commiſſioners from Shires.
Act for continuing the Impoſition for upholding the Cauſſa of *Couiemonth*.
Acts for yearly Fairs and weekly Mercats to ſome Noblemen and others.
Proteſtation by the Earl of *Nithisdale*, that the Forfeiture of *Mckclelland of Belmagachan* ſhould not prejudge him.
Proteſtation by the Vaſſals of *Orknay*, that they be not prejudged be the preſent annexation thereof to the Crown.
Proteſtation in name of the Duke of *Lenox*, that this annexation do not prejudge his right of Admiralty in *Orknay*.
Proteſtation be the Lord Advocat *contra* theſe two Proteſtations.
Commiſſion anent the regulation of the Commiſſar and Sheriff-Courts, and other inferiour Courts of Juſtice.
Act ſuſpending the payment of publick Debts.
Protection to *William Dick*.
Ratification in favours of the Duke and Dutcheſs of *Hamiltoun*.
Proteſtation be the Town of *Linlithgow* againſt the ſame.
Proteſtation be the Duke of *Hamiltoun* in the contrair.
Two Ratifications in favours of the Earl of *Argyl*.
Proteſtations be the Earl of *Errol* and others againſt the ſame.
Proteſtation be the Earl of *Argyl* in the contrair,
Ratification in favours of the Lord *Newbyth*.
Ratification in favours of Mr. *John Young of Leny*.
Ratification in favours of *Thomas Moncrief* of that ilk.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Lord *Stair*.
Ratification in favours of Sir *Andrew Fletcher of Aberlady*.
Ratification in favours of Mr. *Andrew Oſwald* and his Son.
Two Ratifications in favours of Sir *John Nicolſon* of that ilk.
Ratification in favours of *Mungo Graham of Gorthie*.
Ratification in favours of the Archbiſhop of St. *Andrews*.
Ratification in favours of the Earl of *Perth*.
Ratification in favours of the Earl of *Roxburgh*.
Ratification in favours of Sir *Alexander Frazer of Dorrs*.
Ratification in favours of Sir *Robert Cunninghame of Auchinharvy*.
Ratification in favours of *William Murray of Ochtertyre*.
Ratification in favours of Sir *James Drummond*.
Ratification in favours of Sir *John Forbes of Wattertoun*.
Proteſtation in name of the Town of *Aberdeen* againſt the ſame.
Ratification in favours of the Earl of *Tweedale*.
Ratification in favours of Sir *Hary Bruce of Clackmannan*.
Ratification in favours of Sir *Alexander Don of Newtoun*.
Ratification in favours of Sir *Patrick Home of Polwart*.
Ratification in favours of Sir *Charles Erskin of Cambo*.
Ratification to him of his Office of *Lyon King at Arms*.
Ratification in favours of Sir *Philip Anſtruther*.
Ratification in favours of *David Forthringhame of Pourie*.
Ratification in favours of the Earl of *Middleton*.
Ratification in favours of the Earl of *Dundonnald*.

Ratifi-

Ratification in favours of the Lord *Lee*.
Ratification in favours of Sir *John Keith* of *Caskieben*.
Ratification in favours of the Maſter of *Roſs*.
Ratification in favours of *John Forbes* of *Cullodin* and his Son.
Ratification in favours of *David Blair* of *Adamtoun*.
Ratification in favours of *William Hamiltoun of Wiſhaw*.
Ratification in favours of *George Dundas* of that ilk.
Ratification in favours of Sir *William Ker of Hadden*.
Ratification in favours of *Thomas Boyd of Pinkil*.
Ratification in favours of the Miniſter of North-*Lieth*.
Ratification in favours of *Hugh Wat*.
Ratification in favours of the Town of *Bervie*.
Ratification in favours of Sir *Adam Blair of Carberry*.
Ratification in favours of *George Fullertoun*.
Ratification in favours of *David Philp of Overcarnbie*.
Ratification in favours of Mr. *Robert Deens of Longherdmiſtoun*.
Ratification in favours of the Earl of *Annandale*.
Proteſtation in name of the Viſcount of *Stormont* againſt it.
Proteſtation be the Earl of *Annandale* in the contrair.
Ratification in favours of Sir *John* and Sir *Robert Dalyels*.
Ratification in favours of Mr. *John Wiſhart*.
Ratification in favours of the Earl of *Linlithgow*.
Ratification in favours of Sir *John Nisbet*, Lord Advocat.
Ratification in favours of *Alexander Brodie of Letham*, &c.
Ratification in favours of Sir *William Purveſs of Woodhouſlee*.
Ratification in favours of the Girdle-makers of *Culroſs*.
Ratification in favours of *James Stewart of Torrence*.
Ratification in favours of the Lord *Drumlanrig*.
Ratification in favours of the Viſcount of *Stormont*.
Ratification in favours of Lieutenant-General *Drummond*.
Ratification in favours of Sir *William Bruce of Balcaskie*.
Ratification in favours of the City of *Glaſgow*.
Proteſtation be the Town of *Ruglin* againſt it.
Ratification in favours of the Town of *Forfar*.
Ratification in favours of Mr. *Andrew Burnet of Warriſtoun*.
Ratification in favours of Sir *John Aitoun* of that ilk.
Remit for the Viſcounteſs of *Stormont*, Lord *Drumlanrig* and Laird of *Edneim*.
Act for an Impoſition to be uplifted at the North-water Bridge.
Prorogation of the Impoſition for the Bridge of *Sauchtonhal*.
Act for changing the Way at *Walter Chieſlies* Houſe at *Dalry*.
Recommendation for the Heritors of the Sheriffdom of *Berwick*, concerning their fiſhing on *Tweed*.
Commiſſions for the Fiſhings in the Waters of *Spey* and *Divorn*.
Act anent the Fiſhings on *Spey*, &c.
Commiſſion for improving of Trade.
Act diſcharging the Cuſtom of Books.
Act anent the Kirks of *Kinneil* and *Burroughſtouneſs*.
Act concerning the Loſſes of the Town of *Dundee*.
Recommendation in favours of the Maſters of the Scots Incorporation at *London*.
Continuation of the Lady *Bramfords* buſineſs.

F I N I S.

A LIST

Of the ACTS *and* RATIFICATIONS *paſt in this firſt* Seſſion *of His* MAJESTIES *ſecond* Parliament, *and which are not here printed.*

PRoteſtations by ſome Noblemen, and others Commiſſioners from Shires and Burghs, concerning their precedency in the Rolls of Parliament.
His Majeſties Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*, with the Parliaments Anſwers.
Act anent the election of Commiſſioners from Shires.
Act for continuing the Impoſition for upholding the Cauſſa of *Couiemonth*.
Acts for yearly Fairs and weekly Mercats to ſome Noblemen and others.
Proteſtation by the Earl of *Nithisdale*, that the Forfeiture of *Mckclelland of Belmagachan* ſhould not prejudge him.
Proteſtation by the Vaſſals of *Orknay*, that they be not prejudged be the preſent annexation thereof to the Crown.
Proteſtation in name of the Duke of *Lenox*, that this annexation do not prejudge his right of Admiralty in *Orknay*.
Proteſtation be the Lord Advocat *contra* theſe two Proteſtations.
Commiſſion anent the regulation of the Commiſſar and Sheriff-Courts, and other inferiour Courts of Juſtice.
Act ſuſpending the payment of publick Debts.
Protection to *William Dick*.
Ratification in favours of the Duke and Dutcheſs of *Hamiltoun*.
Proteſtation be the Town of *Linlithgow* againſt the ſame.
Proteſtation be the Duke of *Hamiltoun* in the contrair.
Two Ratifications in favours of the Earl of *Argyl*.
Proteſtations be the Earl of *Errol* and others againſt the ſame.
Proteſtation be the Earl of *Argyl* in the contrair,
Ratification in favours of the Lord *Newbyth*.
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Ratification in favours of the Earl of *Kellie*.
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Act concerning the Loſſes of the Town of *Dundee*.
Recommendation in favours of the Maſters of the Scots Incorporation at *London*.
Continuation of the Lady *Bramfords* buſineſs.

F I N I S.

THE

LAWS AND ACTS

Paſt in the SECOND

SESSION

Of the SECOND

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh*, from the 28. of *July*, to the 22. of *Auguſt*, 1670.

By a Noble Earl, John *Earl of* Lauderdail, *Viſcount* Maitland, *Lord* Thirleſtane *and* Bolton, *&c. His* MAJESTIES *Commiſſioner*, &c.

I.

ACT, Authorizing certain Commiſſioners of the Kingdom of Scotland, *to treat with Commiſſioners of* England, *for the weell of both Kingdoms.*

Edinburgh, the 30. day of *July*, 1670.

FOraſmuch as the Kings moſt Excellent Majeſty, from His Princely Zeal and Fatherly Care of the weelfare and happineſs of his Subjects (perſiſting in the ſame pious and prudent Reſolution of His Royal Grand-father, King *James* of ever bleſſed memory, to endeavour a nearer and more compleat Union between His two Kingdoms of *Scotland* and *England*) Hath recommended it to the Parliaments of both Kingdoms, that Commiſſioners might be nominat to Treat and Conſult concerning this Union, to the end, that His Majeſties Royal and Gracious Purpoſes therein may be accompliſhed, and ſuch a further Union may be treated and agreed upon, as may compleat and confirm for ever, a conſtant, mutual love and friendſhip betwixt His Subjects of both Realms.

Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, doth hereby Statute, Ordain and Enact, That ſuch Perſons, or *Quorum* thereof, as ſhall be nominated by His Majeſty under His Great Seal of *Scotland*, are by vertue and authority of this Act, Authorized, Commiſſionate and Impowered, to meet and aſſemble at ſuch times and in ſuch places, as His Majeſty ſhall appoint; And there to Treat and Conſult, according to the tenor of their Commiſſion and Authority in that behalf under the Great Seal, with the Commiſſioners authorized by Authority of the Parliament of *England*, of, and concerning ſuch an Union of the Realms of *Scotland* and *England*, and of and concerning ſuch other matters,

cauſes and things whatſoever, as upon mature deliberation, the greateſt part of the ſaids Commiſſioners aſſembled, as ſaid is, and the Commiſſioners authorized by the Parliament of *England*, according to the tenor and purport of the Commiſſion in that behalf, ſhall in their wiſdoms think convenient and neceſſary for the Honour of His Majeſty, and the Well and Common-good of both Kingdoms during His Majeſties Life, (which Almighty God make long and proſperous) and of His Heirs and lawful Succeſſors for ever. Which Commiſſioners of both Kingdoms ſhall, according to the tenor and purport of the Commiſſions in that behalf, reduce their Doings and Proceedings therein into Writings or Inſtruments tripartie, every part to be ſubſcribed and ſealed by them; To the end, that one part thereof may in all humbleneſs be preſented to the Kings moſt Excellent Majeſty, another part thereof offered to the conſideration of the Parliament of *Scotland*, and another part to be offered to the conſideration of the Parliament of *England*, at their next Seſſions to be held in either Kingdoms *reſpective*, after ſuch Writings or Inſtruments ſhall be ſubſcribed and ſealed by the ſaids Commiſſioners, that thereupon ſuch further proceedings may be had, as by his Majeſty and both the ſaids Parliaments, ſhall be thought fit and neceſſary for the Well and Common-good of both the ſaid Kingdoms; To whom the entire conſideration of the whole, and the allowing or diſ-allowing thereof, or any part thereof as they ſhall think fit, is wholly reſerved. Likeas, his Majeſty, with advice and conſent foreſaid, doth hereby Statute and Declare, that no matter or thing to be propoſed, treated of, or agreed by the ſaids Commiſſioners, by vertue of this Act, ſhall have any force or effect, or be put in execution, until it be confirmed and eſtabliſhed by Act of the Parliament of *Scotland*.

II.

ACT againſt ſuch who ſhall refuſe to depone againſt Delinquents.

Edinburgh, 3. of Auguſt. 1670.

FOraſmuch as it is the duty of all good Subjects, to give their beſt concurrence and aſſiſtance as they ſhall be thereunto required by publick Authority, for diſcovery and puniſhment of all crimes againſt the publick Laws, or which may tend to the breach or diſturbance of the publick Peace of the Kingdom; And that it is an high contempt of Authority, and a ſignal evidence of diſloyalty and inclination to rebellion, to refuſe or ſhift the ſame when required thereunto. Therefore, His Majeſty, with advice and conſent of his Eſtates in Parliament, doth hereby Statute and Ordain, That all and every Subject of this Kingdom, of what degree, ſex or quality ſoever, who hereafter ſhall be called by His Majeſties Privy Council, or any others having Authority from His Majeſty, to declare and depone upon Oath, their knowlege of any crimes againſt the publick Laws and Peace of the Kingdom; and particularly, of any Conventicles or other unlawful Meetings, and of the ſeveral circumſtances of the perſons preſent, and things done therein, or of the reſſetting and intercommuning with perſons who are, or hereafter ſhall be declared Fugitives or Rebels: Are obliged in conſcience, duty, and by the alledgiance of Subjects, to declare and depone their knowlege thereof, and of all the particulars relating thereunto. And if any ſhall happen to be ſo perverſly wicked and diſloyal, to refuſe or delay to declare or depone, being thereunto required, as ſaid is; His Majeſty, with advice and conſent foreſaid, appoints their puniſhment to be fining and cloſe impriſonment, or baniſhment, by ſending them to His Majeſties plantations in the *Indies*, or elſewhere, as His Majeſties Council ſhall think fit. Likeas, His Majeſty, with advice foreſaid, doth require His Privy Council to be careful in tryal of the crimes above-written, and in the ſpeedy and due execution of the pains foreſaids, upon all ſuch, without exception, as ſhall refuſe or delay to declare or depone thereupon, as ſaid is. It is alwayes hereby provided, that no mans declaration or depoſition againſt any other perſon, ſhall infer againſt himſelf the pain of loſs of Life, or Member, or Baniſhment.

III.

ACT for the raiſing a Supply of three hundred and ſixty thouſand pounds offered to His Majeſty.

Edinburgh, 9. of Auguſt, 1670.

THE Eſtates of Parliament taking to their conſideration, that His Majeſty, from His Princely Zeal, and Fatherly care of the good and wel-fare of His Subjects, doth imbrace and improve every opportunity which may tend to the further ſecuring of their peace and happineſs; They in a due acknowledgment of His Majeſties unparalell'd grace and goodneſs, and for defraying the expence which the extraordinary occaſions of His Royal Service and Government will at this time require: Do with all humble duty and thankfulneſs, for themſelves, and in name of this His Majeſties moſt ancient Kingdom, whom they repreſent, make offer to His Majeſty of a new Supply of three hundred and ſixty thouſand

thouſand pounds *Scots*, to be raiſed and payed out of the Land-rent, in the ſame manner, according to the ſame proportion, and with the ſame exceptions that the former ſupply granted toHis Majeſty by the convention of Eſtates in *January*, one thouſand, ſix hundred, ſixty ſeven years was raiſed; And whereof one hundred, fourty four thouſand pounds *Scots*, as being the proportion of two moneths of the former Supply, is to be payed betwixt and the firſt day of *February*, one thouſand, ſix hundred, ſeventy one; and ſeventy two thouſand pounds betwixt and the firſt day of *May* thereafter; And another ſeventy two thouſand pounds betwixt and the firſt day of *Auguſt* following; And the laſt ſeventy two thouſand pounds betwixt and the firſt day of *November* thereafter; being all in the year one thouſand, ſix hundred, ſeventy one. Likeas His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth hereby Ordain the Commiſſioners for the Valuations, nominat by the Act of Convention for the late Supply in the year one thouſand, ſix hundred, ſixty ſeven, to take care and be anſwerable that this Supply be duely raiſed and payed in to ſuch as ſhall be warranded by His Majeſty to receive the ſame, at the particular terms of payment above-mentioned; And that all manner of diligence and execution contained in that Act be made uſe of for raiſing of this Supply, as fully as if the ſame were expreſly repeated in this Act.

IV.

ACT againſt Invaders of Miniſters.

Edinburgh, 13. of Auguſt, 1670.

FOraſmuch as the aſſaulting of Miniſters, and the invading of their houſes be atrocious crimes, often prohibit and diſcharged by Law under high and ſevere pains; And yet, ſuch hath been the wickedneſs of ſome looſe Men, Rebels and Vagabonds, that of late they have, in ſeveral places in the night time, invaded and broken in upon Miniſters houſes, aſſaulted and wounded their perſons, and purſued them for their lives. And the Kings Majeſty having a juſt indignation of ſuch horrid and unchriſtian villanies, hath thought fit to brand the ſame with a ſignal mark of His diſpleaſure: And Therefore, His Majeſty, with advice and conſent of His Eſtates in Parliament, doth hereby Statute, Enact and Declare, That whatſoever perſon or perſons ſhall be found guilty of the aſſaulting the lives of Miniſters, or robbing their houſes, or actually attempting the ſame, ſhall be puniſhed with the pain of death, and the confiſcation of their Goods. And for the better diſcovery of theſe crimes, His Majeſty doth, with advice and conſent foreſaid, hereby offer and enſure the ſum of five hundred Merks to any perſon who ſhall diſcover and ſeiſe any of the ſaids Aſſaulters, Robbers or Attempters: And in caſe they ſhall be diſcovered by one perſon, and apprehended by another, the diſcoverer is to have two hundred Merks, and the apprehender three hundred Merks, to be payed out of His Majeſties Theſaury by the Commiſſioners thereof, who are hereby authorized to pay the ſame. And if there ſhall happen any ſlaughter to be committed in the apprehending of ſuch perſons, His Majeſty, with advice foreſaid, doth hereby indemnifie the perſons imployed, and all ſuch as ſhall aſſiſt in the apprehending of them; and Declares them free of all queſtion or trouble for the ſame in time coming.

V.

ACT againſt Conventicles.

Edinburgh, 13. of Auguſt, 1670.

FOraſmuch as the aſſembling and convocating of His Majeſties Subjects without His Majeſties Warrand and Authority, is a moſt dangerous and unlawful practice, prohibite and diſcharged by ſeveral Laws and Acts of Parliament, under high and great pains; And that notwithſtanding thereof, divers diſaffected and ſeditious perſons, under the ſpecious, but falſe pretences of Religion and religious Excerciſes, preſume to make, and be preſent at Conventicles and unwarrantable Meetings and Conventions of the Subjects, which are the ordinary Seminaries of Separation and Rebellion, tending to the prejudice of the publick Worſhip of God in the Churches, to the ſcandal of the reformed Religion, to the reproach of His Majeſties Authority and Government, and to the alienating of the hearts and affections of the Subjects from that duty and obedience they owe to his Majeſty, and the publick Laws of the Kingdom. For the ſupreſſing and preventing of which for the time to come, His Majeſty, with advice and conſent of His Eſtates of Parliament, hath thought fit to Statute and Enact, Likeas they do hereby Statute and Command, That no outed Miniſters, who are not licenced by the Council, and no other perſons not authorized or tolerate by the Biſhop of the Dioceſs, preſume to preach, expound Scripture, or pray in any Meeting, except in their own Houſes, and to theſe of their own Family; and that none be preſent at any Meeting, without the Family to which they belong, where any not licenced, authorized nor tolerat as ſaid is, ſhall preach, expound Scripture or pray: Declaring hereby, all ſuch who ſhall do in the contrair, to be guilty of keeping of Conventicles; and that he or they who ſhall ſo preach, expound or pray within any houſe, ſhall be ſeiſed upon & impriſoned, till they find

caution

caution, under the pain of five thouſand Merks, not to do the like thereafter, or elſe enact themſelves to remove out of the Kingdom, and never return without His Majeſties Licence; And that every perſon who ſhall be found to have been preſent at any ſuch Meetings, ſhall be, *toties quoties*, fined according to their qualities, in the reſpective ſums following, and impriſoned untill they pay their fines, and farther during the Councils pleaſure, *viz.* Each Man or Woman, having Land in Heretage, Life-rent or proper Wodſet, to be fined in a fourth part of his or her valued yearly Rent; each Tennent labouring Land, in twenty five pounds Scots; each Cottar in twelve pounds Scots, and each ſerving Man in a fourth part of his yearly Fee. And where Merchants or Tradeſ-men do not belong to, or reſide within Burghs Royal, That each Merchant or chief Tradeſ-man be fined as a Tennant, and each inferior Tradeſ-man as a Cottar: And if any of the perſons above-mentioned ſhall have their Wives, or any of their Children living in Family with them, preſent at any ſuch Meeting, they are therefore to be fined in the half of the reſpective fines aforeſaid, conſideration being had to their ſeveral qualities and conditions. And if the Maſter or Miſtris of any Family, where any ſuch Meetings ſhall be keeped, be preſent within the houſe for the time, they are to be fined in the double of what is to be payed by them, for being preſent at a Houſe-conventicle. And it is hereby Declared, that Magiſtrates of Burghs Royal are lyable, for every Conventicle to be keeped within their Burghs, to ſuch fines as His Majeſties Council ſhall think fit to impoſe; and that the Maſter or Miſtris of the Houſes where the Conventicle ſhall happen to be keeped, and the perſons preſent thereat, are to relieve the Magiſtrates as the Council ſhall think fit to order the ſame; it being notwithſtanding free to the Council to fine the Inhabitants of Burghs, for being preſent at Conventicles within or without Burghs, or where their Wives or Children ſhall be preſent at the ſame.

And farther, His Majeſty underſtanding that divers diſaffected perſons have been ſo maliciouſly wicked and diſloyal, as to convocat His Majeſties Subjects to open Meetings in the Fields, expreſly contrair to many publick Laws made thereanent; And conſidering that theſe Meetings are the rendezvous of Rebellion, and tend in a high meaſure to the diſturbance of the publick Peace: Doth therefore, with advice and conſent foreſaid, Statute and Declare, That whoſoever, without Licence or Authority foreſaid, ſhall preach, expound Scripture or pray at any of theſe meetings in the Field, or in any Houſe where there be moe perſons then the Houſe contains, ſo as ſome of them be without doors, (which is hereby declared to be a Field-conventicle) or who ſhall convocat any number of people to theſe meetings, ſhall be puniſhed with death, and confiſcation of their goods. And it is hereby offered and aſſured, that if any of His Majeſties good Subjects ſhall ſeiſe and ſecure the perſons of any who ſhall either preach or pray at theſe Field-meetings, or convocat any perſons thereto, they ſhall for every ſuch perſon ſo ſeiſed and ſecured, have five hundred Merks payed unto them for their reward, out of His Majeſties Theſaury by the Commiſſioners thereof, who are hereby authorized to pay the ſame; and the ſaids ſeiſers and their aſſiſtants are hereby indemnified for any ſlaughter that ſhall be committed in the apprehending and ſecuring of them. And as to all Heretors and others aforeſaid, who ſhall be preſent at any of theſe Field-conventicles, it is hereby Declared, they are to be fined, *toties quoties*, in the double of the reſpective fines appointed for Houſe-conventicles; but prejudice of any other puniſhment due to them by Law as ſeditious perſons, and diſturbers of the Peace and Quiet of the Kirk and Kingdom. And ſeeing the due execution of Laws is the readieſt means to procure obedience to the ſame; Therefore, His Majeſty, with conſent and advice foreſaid, doth Impower, Warrand and Command all Sheriffs, Stewarts of Stewartries, Lords of Regalities and their Deputs, to call before them and try all ſuch perſons who ſhall be informed to have keeped, or been preſent at Conventicles within their Juriſdictions, and to inflict upon theſe who ſhall be found guilty, the reſpective fines expreſt in this Act; they being alwayes countable to the Commiſſioners of His Majeſties Theſaury, for the fines of all Heretors within their bounds. And His Majeſty, for the encouragement of the ſaids Sheriffs, Stewarts and Lords of Regalities, to be careful and diligent in their duties herein, doth allow to themſelves all the fines of any perſons within their Juriſdictions, under the degree of Heretors; and requires the Lords of His Majeſties Privy Council to take exact tryal of their care and diligence herein: And if the Sheriffs, Stewarts and Bailiffs ſhall be negligent in their duties, or if the Magiſtrates within Burghs ſhall be negligent in their outmoſt diligence, to detect and dilate to the Council all Conventicles within their Burghs, that the Council inflict ſuch cenſures and puniſhments upon them as they ſhall think fit. And the Lords of His Majeſties Privy Council are hereby required to be careful in the tryal of all Field and Houſe-conventicles, keept ſince the firſt day of October, one thouſand, ſix hundred, ſixty nine, and before the date hereof, and that they puniſh the ſame conform to the Laws and Acts of State formerly made thereanent. And laſtly, His Majeſty being hopeful that His Subjects will give ſuch chearful obedience to the Laws, as there ſhall not be long uſe of this Act; Hath therefore, with advice foreſaid, Declared, That the endurance thereof ſhall only be for three years, unleſs His Majeſty ſhall think fit that it continue longer.

VI.

ACT against diſorderly Baptiſms.

Edinburgh, 17. of Auguſt, 1670.

FOraſmuch as the diſorderly carriage of ſome Perſons, in withdrawing from the Ordinances of the Sacraments in their own Pariſh Churches &, procuring their Children to be Baptized by perſons not publickly authorized or allowed, is highly ſcandalous to the Proteſtant Religion, and tends exceedingly to the increaſe of Schiſm and Profanity: Therefore the Kings Majeſty, with advice and conſent of His Eſtates in Parliament, doth Statute and Prohibit all His Majeſties Subjects, that none of them, of whatſoever degree or quality, preſume to offer their Children to be Baptized by any but ſuch as are their own Pariſh Miniſters; or elſe by ſuch Miniſters as are Authorized by the preſent eſtabliſhed Government of the Church, or Licenced by His Majeſties Council, upon a Certificat from the Miniſter of the Pariſh, if he be preſent; or in his abſence, by one of the Neighb uring Miniſters: And declares, that the Father of any Child which ſhall be otherways Baptized, ſhall be lyable to the pains and penalties following, *viz.* Every Heretor, Life-renter, or proper Wod-ſetter, ſhall be fined in a fourth part of his valued yearly Rent; Every perſon above the degree of a Tennent, having a perſonal, but no real Eſtate, in one hundred pounds Scots: Every conſiderable Merchant in one hundred pounds: Every inferior Merchant, or conſiderable Tradeſ-man, and every Tennent labouring Land, in fifty pounds: Every meaner Burgeſs, Tradeſ-man, Inhabitant within Burgh, and every Cottar, in twenty pounds Scots; and every Servant in half a years Fee. And His Majeſty, with advice foreſaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magiſtrates of Burghs Royal, within their ſeveral Bounds and Juriſdictions, to be careful to put this Act in execution; and that upon Information from the Biſhop of the Dioceſs, or any other, they call before them, and judge the Perſons Contraveeners thereof, and upliſt the Penalties foreſaids. Likeas, His Majeſty, for the further encouragement of the ſaids Sheriffs, and others foreſaids, to do their duty herein, doth allow them to retain for their own uſe, the Fines of the ſeveral Perſons above-mentioned, except theſe of the Heretors, for which they are to be comptable to the Commiſſioners of His Majeſties Theſaury.

VII.

ACT against Separation and withdrawing from the publick Meetings of Divine Worſhip.

Edinburgh, 20. of *Auguſt*, 1670.

FOraſmuch as it is the duty of all His Majeſties good Subjects, to acknowledge and comply with His Majeſties Government, as it is by the Lawes of the Kingdom eſtabliſhed in Church and State; and in order thereunto, to give their cheerful concurrence and countenance to ſuch Miniſters, as by Publick Authority are, or ſhall be admitted in their ſeveral Pariſhes, and to attend all the Publick and Ordinary Meetings of Divine Worſhip in the ſame. And ſeeing the Laws of the Kingdom hath declared a withdrawing, and not keeping of, and joyning in, theſe Meetings, to be ſeditious, and of dangerous example and conſequence: His Majeſty conceives Himſelf alſo bound in Conſcience and Duty to interpoſe His Authority, that the Publick Exerciſes of Gods Worſhip be countenanced by all His good Subjects, and that ſuch as upon any pretext do diſorderly withdraw, be by the Cenſures of the Law made ſenſible of their miſcarriages, and by the Authority of the Law, drawn to a dutiful obedience to it. And therefore, His Majeſty, with advice and conſent of His Eſtates in Parliament, Statutes, Ordains, and commands all His good Subjects of the Reformed Religion within this Kingdom, to attend and frequent the ordinary Meetings appointed for Divine Worſhip, in their own Pariſh Churches; Declaring hereby, that every ſuch Perſon who ſhall three Lords Days together withdraw & abſent themſelves from their own Pariſh Churches, without a reaſonable excuſe to be allowed or diſallowed by the Judges and Magiſtrats after-mentioned, ſhall *toties quoties* be liable to the pains and penalties following, *viz.* Every perſon having Land in Heretage, Life-rent, or proper Wod-ſet, in the eight part of his or her valued yearly Rent: Every Tennent in ſix pounds Scots: Every Cottar or Servant, in fourty ſhillings Scots: Every perſon above the degree of a Tennent, and who hath a perſonal, but no real Eſtate, in twelve pounds Scots: Every conſiderable Merchant in twelve pounds Scots: Every inferior Merchant, and conſiderable Tradeſ-man, in ſix pounds Scots: Every other meaner Burgeſs, Tradeſ-man, and Inhabitant within Burgh, in fourty ſhillings Scots. And His Majeſty, with advice and conſent foreſaid, doth commit the execution of this Act, and the raiſing the Penalties above-mentioned, to the Sheriffs, Stewarts, Lords of Regalities and their Deputs, and to Magiſtrats of Burghs within their ſeveral reſpective Juriſdictions: And doth hereby Authorize and require them to be careful to ſee this Act put in due execution; and in order thereunto, that they Examine upon Oath ſuch perſons in every Pariſh as they ſhall think fitteſt, for diſcovery of ſuch as ſhall withdraw, and thereby

incur the penalties above-mentioned. And for their encouragement herein, His Majeſty, with advice foreſaid, doth hereby allow to themſelves the Fines of all perſons within their reſpective Juriſdictions, below the degree of Heretors, they being alwayes comptable for the Fines of the Heretors to the Commiſſioners of His Majeſties Theſaury. And incaſe any Heretor, Life-renter, or proper Wod-ſetter, ſhall be ſo froward and obſtinat, as to withdraw from their Pariſh Churches for the ſpace of one year, notwithſtanding of their being fined as aforeſaid: It is Ordained, That the Sheriffs and other Judges aforeſaid, within their ſeveral Juriſdictions, dilate them to His Majeſties Privy Council, who are hereby authorized to call the ſaids perſons before them, and to require them to ſubſcribe the Bond following:

I *oblidge my ſelf, that I ſhall not upon any pretext or collour whatſoever, riſe in Arms againſt the King's Majeſty, or any having his Authority or Commiſſion; nor ſhall aſſiſt nor countenance any who ſhall riſe in Arms.* And if any perſon ſo called and required, ſhall refuſe or delay to ſubſcribe the Bond, That the Lords of His Majeſties Privy Council ſecure or baniſh them, as they ſhall think fit. And it is hereby declared, that upon ſuch refuſal or delay to ſign this Bond, the ſingle Eſcheat, and Life-rent Eſcheat of the refuſers or delayers ſhall fall and appertain to His Majeſty, and is to be intrometted with, and diſpoſed of, for His Majeſties uſe. Likeas, the Lords of His Majeſties Privy Council are hereby required to call from time to time for an Accompt from the Sheriffs, and others foreſaids, of their diligence in putting this Act in execution; and if they be found negligent, that they inflict ſuch Cenſures and Puniſhments, on them, as they ſhall judge fit. And it is further declared, that this Act is to endure only for the ſpace of three years, unleſs His Majeſty ſhall think fit it continue longer. And it is further hereby provided, that this Act is to be without prejudice of the Cenſures of the Church, to be uſed againſt ſuch who ſhall be abſent from the Publick Meetings for Gods Worſhip, conform to the former Acts and Practices of the Church thereanent.

VIII.

ACT ratifying the Priviledges of the Ordinary Lords of Seſſion.

Edinburgh, 22. of Auguſt, 1670.

FOraſmuch as at the firſt Inſtitution of the Colledge of Juſtice, the Kings Majeſty and Eſtates of Parliament, conſidering that the Lords of Seſſion did repreſent His Majeſties Perſon and Authority, in doing Juſtice to the Subjects; And in regard thereof and their daily attendance, did by an expreſs Act of Parliament, exeem them, and every one of them, from payment of all Taxes, Contributions, and other extraordinary charges in all time thereafter; which Priviledge and Immunity hath been fully ratified and approven in all ſucceeding Parliaments. Therefore, and in conſideration that the pains and travels of the ſaids Lords have been ſince rather increaſed then diminiſhed, His Majeſty being willing, for their greater encouragement in the diſcharge of their Truſt and Employment, their Priviledges be preſerved entire, with advice and conſent of the Eſtates of Parliament, Doth Ratifie and Approve their whole Priviledges and Immunities foreſaids, granted by their firſt Inſtitution, or any other ſubſequent Act of Parliament. And for their farther ſecurity, His Majeſty, with conſent foreſaid, Statutes and Ordains, That the ſaids Ordinary Lords of Seſſion ſhall bruik and enjoy their ſaids Priviledges and Immunities, from all burdens impoſed, or to be impoſed by this or any other Parliament in time coming, als fully as if they were particularly excepted out of the ſaids Acts.

IX.

ACT concerning High-wayes.

Edinburgh, 22. of Auguſt, 1670.

OUR Soveraign Lord conſidering, that in the ſixteenth Act of the laſt Seſſion of Parliament, anent High-wayes, the time appointed for working thereat is limited betwixt Seed-time and Harveſt, whereas it will be much more convenient working at, and repairing ſeveral of the High-wayes at other Seaſons of the Year: Therefore His Majeſty, with advice and conſent of the Eſtates of Parliament, doth declare, that the reſpective Sheriffs and Juſtices to whom the Execution of the ſaid Act is committed, may require all perſons liable to work and repair the ſaid High-wayes, Bridges, and Ferries, to conveen, the number of dayes they are liable, at any time or ſeaſon they ſhall judge moſt convenient, Seed-time and Harveſt being alwayes excepted. And ſicklike, where the Wayes ly at great diſtance from thoſe who are liable to repair the ſame, that it ſhall be leiſome to the ſaids Juſtices and Over-ſeers to diſpence with thoſe perſons who live at ſuch a diſtance, they paying ſix ſhillings yearly for ilk Man, and twelve ſhillings for ilk Horſe which ought to have been imployed in the ſaid Work; which ſums of money ſo to be payed in, ſhall be expended at ſight of the ſaid Sheriff and Juſtices, on Work-men to work in place of thoſe who live at ſuch diſtances, in manner foreſaid.

X.

ACT Salvo jure cujuſlibet.

Edinburgh, 22. of *Auguſt*, 1670.

OUR Soveraign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged: Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt Parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuſlibet*.

XI.

ACT of Adjournment.

Edinburgh, 22. of *Auguſt*, 1670.

THE King's Majeſty Declares this Parliament current, and Adjourns the ſame to the eleventh of *May* next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

FINIS.

A TABLE of the Printed ACTS.

1. ACT *authorizing certain Commiſſioners of the Kingdom of* Scotland, *to Treat with the Commiſſioners of* England, *for the weel of both Kingdoms.*
2. *Act againſt ſuch who ſhall refuſe to depone againſt Delinquents.*
3. *Act for the raiſing a Supply of three hundred and ſixty thouſand pounds offered to His Majeſty.*
4. *Act againſt invaders of Miniſters.*
5. *Act againſt Conventicles.*
6. *Act againſt diſorderly Baptiſms.*
7. *Act againſt Separation and withdrawing from the Publick Meetings of Divine Worſhip.*
8. *Act ratifying the Priviledges of the Ordinary Lords of Seſſion.*
9. *Act concerning High-wayes.*
10. Act Salvo jure cujuſlibet.
11. *Act of Adjournment.*

FINIS.

A LIST

Of the Acts and Ratifications paſt in this ſecond Seſſion of His Majeſties *ſecond Parliament, and which are not here printed.*

ACT concerning Legal Executions to be uſed at the Towns of *Lauder* and *Dunce*.
Act in favours of the Duke and Dutcheſs of *Hamiltoun*.
Act in favours of the Earl of *Errol* and his Cautioners, *&c.*
Act in favours of the Counteſs of *Bramford* and Lady *Forreſter*.
Act in favours of the Earls of *Roxburgh* and *Weymes*.
Act in favours of the Town of *Anſtruther*.
Act uniting the Kirks of *Inchſture* and *Roſsie*.
Act for an Impoſition for upholding the Bridge of *Dalkeith*.
Act in favours of the Laird of *Ardroſs*.
Acts for ſome new Fairs and Mercats.
Act for repairing the Kirks of *Dreghorn* and *Kilmars*.
Act Ratifying the Taxt Roll of the Burroughs.
Act in favours of *Thomas Rocheid* and *Thomas Rutherfurd*.
Act for rectifying ſome Valuations.
Act in favours of the Earl of *Caithneſs*.
Proteſtation in favours of the Advocats and Writers, &c.
Ratification of a Decreet Arbitral concerning the Stipend of the ſecond Miniſter of South-*Leith*.
Proteſtation be the Lord *Balmerinoch* and Paroch of South-*Leith* againſt the ſame.
Ratification in favours of *Robert Baird of Sauchtoun-hall*.
Proteſtation the Wrights and Cowpers of the *Cannongate*.
Ratification of the Right of the Colledge of Old-*Aberdeen*.
Proteſtation the Lord *Goſsfoord* and others againſt the Ratification to Sir *Andrew Fletcher*.
Ratification to the City of *Edinburgh* of the late Impoſition upon the Wine and Ale, &c.
Ratification in favours of *John Wedderburn*, Fiar of *Blackneſs*.
Ratification in favours of Sir *James Mercer*.
Ratification in favours of *Patrick Leſly of Balquhine*.
Ratification in favours of the Earl of *Wintoun*.
Ratification in favours of General *Dalyel*.
Ratification in favours of the Lord *Goſsfoord*.
Ratification in favours of *Alexander Monro*.
Ratification in favours of the Lord *Saltoun*.
Ratification in favours of the Town of *Kirkwal*.
Ratification in favours of the Earl of *Eglintoun*.
Ratification in favours of *John Cunninghame of Caldwel*.
Ratification in favours of *James Cockburn* of that ilk.
Ratification in favours of Sir *George Ogilvie of Barras*.
Ratification in favours of Sir *Robert Nairn of Strathurd*.
Ratification in favours of Sir *George Monro of Colrane*.
Ratification in favours of the Chirurgions & Apothecaries of *Edinburgh*.
Ratification in favours of Sir *Robert Sinclair of Longformacus*,
Ratification in favours of the Lord *Haltoun* and his Son.
Ratification in favours of the Lord *Haltoun*.
Ratification in favours of the Members of the Mint-houſe.
Ratification in favours of *James Borthwick of Stow*.
Ratification in favours of Sir *Colin Campbel of Aberurquhil*.
Ratification in favours of *Henry Mcdougal of Mccairſtoun*.
Ratification in favours of *Robert Douglas of Bridgford*.
Ratification in favours of *William Blair of Kinfauns*.
Ratification in favours of *Colin Campbel of Monzie*.

FINIS.

THE

THE

LAWS AND ACTS

Paſt in the THIRD

SESSION

Of the SECOND

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh*, from the 12. of *June*, to the 11. of *September*, 1672.

By his Grace, John *Duke of* Lauderdale, *Marqueſs of* Marche, *Earl of* Lauderdail, *Viſcount* Maitland, *Lord* Thirleſtane, Muſſelburgh *and* Bolton, *&c.* *His* MAJESTIES *Commiſſioner*, &c.

I.

ACT for Settling the Militia.

Edinburgh, the 25. of *June*, 1672.

THE Kings Majeſty conſidering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and ſettleing of the Militia within the ſame: Which being a Service and Imployment of ſo great Truſt, His Majeſty Reſolves to take ſpecial notice thereof; and as He will give all due encouragements to thoſe who ſhall be imployed therein, ſo He will expect, and require from them an exact performance of the duties and ſervices incumbent to them in their ſeveral ſtations. And therefore His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth hereby Declare, Statute and Enact, That all ſuch perſons who ſhall be enrolled and admitted in this truſt of the Militia, ſhall be entirely reſerved for that imployment; and during their ſervice in it, ſhall be freed and exeem'd from all other Levies whatſoever. And that the perſons imployed may be ſuitable to, and qualified for ſuch a truſt, It is alſo hereby Statute and Ordained, That all the Officers in the Militia, be perſons well affected to the Religion and Government of the Church, as it is now eſtabliſhed by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horſe or Foot, ſhall, at the firſt Rendevous of each Regiment or Troup, where they ſhall be preſent, Take the Oath of Allegiance, which is hereby Ordained to be adminiſtred unto them, by the chief Officer commanding upon the place. And if it ſhall happen any of them to refuſe the ſame,

That they ſhall be preſently ſeiſed on, and ſent to the next publick priſon, there to be kept, till, by order of His Majeſties Privy Council, they be baniſhed the Kingdom: And that theſe who outreiked them, do forthwith furniſh others in their place.

And further, it is hereby Statute and Ordained, that all the Officers of the Militia do punctually attend their ſeveral Charges, and that none of them offer to deſert or demit the ſame (but upon a juſt and reaſonable cauſe, to be firſt offered to, and allowed by His Majeſties Privy Council) under the pains following: *viz.* a Collonel of Foot, and Captain of Horſe, two thouſand merks; a Lieutenant-Collonel of Foot, and Lieutenant of Horſe, one thouſand, five hundred merks; a Major, or Captain of Foot, one thouſand merks; a Lieutenant, or Enſign of Foot, or Cornet of Horſe, five hundred merks. And that all Officers to be hereafter named, ſhall accept and attend their Charges; and if any of them ſhall refuſe to accept, without a reaſonable cauſe, to be firſt allowed as ſaid is, they ſhall be alſo lyable to the reſpective Fines aforeſaid. And in caſe any of the Officers already admitted, or who ſhall hereafter be admitted in this Service, ſhall neglect the ſame, and not give due atendance at the ſeveral diets of Rendezvous of the Regiments, Troups, and of the Companies, they ſhall be lyable to, and forfeit the Fynes following; a Major and Captain of Foot, and a Lieutenant and Cornet of Horſe, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inferior Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is alſo hereby Declared, that all Fynes formerly impoſed by Act of Parliament, for abſence from Rendevous, or deficiency in outreik of Horſe or Men, or in caſes of inſufficiency of Horſe or Armes, ſhall be doubled in time of war.

It is alſo hereby Ordained, that none be deſigned Horſe-men or Foot-men of the Militia, but ſuch as dwell and reſide in the bounds within which they ſerve; and if any be already otherwiſe deſigned, that they be changed, and others accordingly put in their places: And that in time coming, no Leader change any Tennent, Cottar or Servant deſigned Horſe-man or Foot-man in the Militia, ſo long as he continues on the Leaders ground, or in the bounds for which he ſerves, or ſhall be in the Leaders or Tennents ſervice: And that the Tennent, Cottar or Servant liſted in the Militia, ſhall not remove from his Maſters ground, nor leave his ſervice, until year and day expire; and then the removal is only to be at the term of Whitſunday, the Leader being alwayes obliged, before his removal, to preſent to the Captain another ſufficient man in his place, who ſhall continue in the ſervice as aforeſaid. And if any man liſted in the Militia, ſhall deſert the ſervice, and withdraw to any other place without the bounds for which he ſerves; the perſons who reſſet him, upon intimation thereof given by his Maſter, or the Captain of the Troup or Company, ſhall be holden to return him back within three dayes thereafter, and the perſon himſelf to be puniſhed for his fault, at the diſcretion of the Captain and any two Commiſſioners of the Militia: And in caſe the Reſſeter, being required, ſhall not return him, he is to be Fyned in ane hundred merks *Scots* by any two Commiſſioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magiſtrats of Burgh, or any other ordinar Magiſtrat on the place.

It is likewiſe hereby Ordained, that the Leader of every Horſe is to furniſh and uphold a ſufficient Horſe with his furniture for the ſpace of ſeven years from this time; and that after the expyring of the ſeven years, theſe of the Fraction with him ſhall contribute for another Horſe, at the rate of ten pounds *Sterling*, and that the Horſe be provided to the value of that ſumme, and ſo after the expyring of each ſeven years thereafter *ſucceſſive*: And that the Heretors of every Shire allow yearly fourty eight pounds *Scots* to the Trumpetter who ſerves their Troup, and twelve pounds *Scots* to every Drummer who ſerveth their companies. And it is further Ordained, that beſides the dayes of Rendevous already appointed, and which are ſtill to be obſerved in the time of Peace; Yet in the time of War, there are to be two Rendevous yearly of the Regiments of Foot; at either of which, the Companies are to be keeped together, and exerciſed for two dayes; as alſo, four dayes of Rendevous for the ſeveral Companies. But in regard of the diſtance of the bounds, and other difficulties in drawing together the Regiment which is raiſed out of *Argyl*, *Bute* and *Dumbartan*, they are to have onely one general Rendevous in the year, and two for the ſeveral Companies, who are to ſtay together two dayes at either of their Rendevous.

And further, his Majeſty, with advice and conſent foreſaid, Ratifies, Approves and Renewes all former Acts, Orders or Inſtructions paſt in Parliament, or by His Majeſties Privy Council concerning the Militia; and Ordains them to be put to due execution, except in ſo far as any of them are innovate or altered by this preſent Act.

ACT

II.

ACT *concerning Pupils and Minors, and their Tutors and Curators.*

Edinburgh, 28. of June, 1672.

OUR SOVERAIGN LORD, Conſidering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themſelves, That their Tutors or Curators have immediate acceſs to their Charter-cheſts, Writs, Evidents and Securities of their Lands, ſums of money, and others belonging to them, which they may imbeſil, ſuppreſs, or by colluſion, give up to their Debitors or other parties intereſſed, without juſt ſatisfaction; Or otherwiſe, having gotten ſatisfaction, there is no mean by which a Charge can be made up againſt the ſaids Tutors and Curators, but themſelves, when they are brought to an account, make both their own Charge and Diſcharge; and in caſe of their deceaſe, they who ſucceed to them, for the moſt part, can have no Charge made up againſt them at all. For remeed whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes, Ordains and Declares, that no Tutor or Curator of any Pupil, Minor, Idiot or furious perſon, to be named or deſigned in any time coming, or who is not actually ſtated and entered in the ſaid office, ſhall have power or authority to exerciſe the ſaid Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Eſtate of the ſaids Pupils, Minors, Idiots or furious perſons, until firſt an Inventar be made up, in manner after-ſpecified, by the ſaids Tutors and Curators, with advice and conſent of the neareſt of kin on the Fathers ſide, and the neareſt of kin on the Mothers ſide, who ſhall be Majors, and within the Kingdom for the time; Which Inventar ſhall be ſubſcribed by the ſaids Tutors and Curators, and the ſaids neareſt of kin; and one ſubſcribed double thereof keeped by the ſaids Tutors or Curators, another by the neareſt of kin on the Fathers ſide, and the third by the neareſt of kin on the Mothers ſide. All which ſubſcribed Duplicats ſhall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious perſon their chief reſidence is, and an Act made upon production thereof, bearing the production of the Inventar, and expreſſing the names of the perſons ſubſcribers thereof, and in whoſe cuſtody the ſame were left; and that the Duplicats be alſo ſubſcribed by the Clerk of Court, that they may not be altered thereafter. And in caſe the neareſt of kin on both ſides will not concur in making up the Inventar in manner foreſaid, the ſaids Tutors and Curators ſhall raiſe ſummonds at their inſtance, before the ſaids Judges ordinar *reſpective*, for ſummonding the neareſt of kin that are majors, and within the Countrey, upon either ſide, for decerning them to concur in making up of the ſaid Inventar in manner foreſaid: And in caſe they compear not, or do not concur as ſaid is, With certification, the ſaid Inventar ſhall be made up by the ſaid Tutor or Curator, with advice and conſent of the Judge ordinar, or any whom he ſhall delegate or appoint, who ſhall ſubſcribe three Duplicats of the ſaid Inventar with the ſaids Tutors or Curators, whereupon a Judicial Act ſhall be made, and the Duplicats ſubſcribed by the Clerk, in the ſame manner as if the neareſt of kin had concurred; and a Duplicat thereof ſhall be keeped by the ſaids Tutors and Curators, and the other two Duplicats ſhall remain in the Clerks hands, to be delivered to the neareſt of kin on the Father and Mothers ſide, being cloſed up and ſealed by the ſaids Tutors or Curators, and the perſon delegate for making the ſaid Inventar as ſaid is. Which Inventar ſhall contain the names and deſignations of the Lands belonging to the Pupils, Minors and others foreſaids, and the Bands, Counts and Tickets due to them, and ſums therein contained, and their Moveables, aſwell Heirſhip-Moveable as other Moveables: And in caſe that thereafter any other Lands, Debts, ſums of money or other Goods and Gear whatſoever belonging, or that may happen to belong to the ſaids Pupils, Minors, Idiots, or furious perſons, ſhall come to the knowledge of the ſaids Tutors or Curators, ſo that they may attain to the poſſeſſion thereof; In that caſe, and within the ſpace of two Moneths after they attain to the poſſeſſion of the ſamine, They ſhall eeke the ſame to the foreſaid Inventar, and make a judicial Act thereupon in the hands of the Clerk of Court where the principal Inventar was made, and ſhall leave two Duplicats of the ſaid Eek or Eeks, one or moe, ſealed as ſaid is, in the hands of the ſaid Clerk, for the uſe of the neareſt of kin as ſaid is. And it is hereby further Declared, that the Debitors of the Pupils, Minors, Idiots or furious perſons, ſhall not be obliged to make payment to the Tutors or Curators of the ſaids perſons, of any ſums due by them, unleſſe the ſaid Tutor or Curator ſhow to the ſaids Debitors, that the Sums or Goods demanded from them, are contained in the ſaids Inventars or Eeks ſubſcribed by the ſaids neareſt of kin, or by the Clerk of Court in maner *reſpective* foreſaid. And it is hereby further Declared, that if the ſaids Tutors or Curators ſhall failzie in making up the ſaids Inventars and Eeks in manner above-written, They ſhall be lyable both for intromiſſion and Omiſſion, and ſhall have no allowance or defalcation of the charges and expenſes wared out by them in the affairs of the ſaids Pupils, Minors, Idiots or furious perſons: and ſhall be removable from their Office as ſuſpect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foreſaid. It is alwayes hereby Declared, that this Act ſhall not prejudge Pupils, Minors and other perſons aforeſaid, to charge their Tutors or Curators with what it can be made appear they have intrometted, or might have intrometted with, over and above what is contained in the Inventar. And further His Majeſty, with advice and conſent foreſaid, Statutes and Ordains, That all

all Gifts of Tutory, that ſhall be granted hereafter, by His Majeſty or His Exchequer, ſhall proceed upon citation of the Minors neareſt of kin on both ſides, at the inſtance of the Cravers of the ſaids Gifts: That they may be heard, if they have any thing to ſay againſt the perſon to whom the Gift is to be granted; or, upon conſent firſt obtained thereto, under the hands of the ſaid neareſt of kin. And Ordains, that the ſaid Gifts ſhall bear expreſly that the neareſt of kin were cited, or conſented to the paſſing of the ſaid Gifts: Certifying all who ſhall procure Gifts of Tutory or Curatory foreſaids, without citation or conſent of the ſaids neareſt of kin, or where the ſamin is not expreſly mentioned therein, That theſe Gifts ſhall be declared null and void, by way of exception or action, at the inſtance of any perſon who ſhall have obtained a Gift of the ſaids Tutory or Curarory, conform to the Tenor of this preſent Act.

III.

ACT diſcharging the importation of Iriſh Victual.

Edinburgh, 28. of June, 1672.

FOraſmuch as the importing of Victual, Horſes and Cows from *Ireland* into this Kingdom, hath been, by divers publick Acts and Statutes, diſcharged, under great pains; And that, notwithſtanding thereof, ſundry perſons, preferring their own privat intereſts to their obedience to the Law and good of the Kingdom, have adventured to import diverſe quantities of Victual from *Ireland*, and have vented and ſold the ſame in this Kingdom; whereby the ſale of Corns, growing within the Kingdom, hath been ſtopped, and much money hath been unwarrantably carried out of the Kingdom. And His Majeſty being reſolved, for the good of this His Ancient Kingdom, to take an effectual courſe for preventing and reſtraining ſuch courſes for the time to come: Doth therefore, with advice and conſent of the Eſtates of Parliament, Statute and Ordain, that all Heretors, Wod-ſetters and Life-renters within the Shire of *Lanerk* below *Glaſgow*, and in the Shires of *Air*, *Renfrew*, *Wigtoun*, *Dumbartan*, *Bute*, *Argyl*, and Stewartrie of *Kirkcudbright*, having Land on the Sea-coaſts; and the Magiſtrats of the Burghs of *Glaſgow*, *Dumfreis*, *Kirkcudbright*, *Renfrew*, *Dumbartan*, *Irwing*, *Air*, *Stranrawer*, *Roſsa* and *Innerrary*, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the ſaids Burghs, ſhall not import or reſſett any ſort of Victual from *Ireland*, under the pain of twelve hundred pounds *Scots*, *toties quoties*. And if any of that Victual ſhall happen to be Livered within their bounds, by perſons not living within the ſame, That they alſo detain and ſeiſe the Victual, Veſſel and perſons therein, if they can be apprehended, under the ſame pain. And if the Importers make any forcible reſiſtance, It is hereby Declared, that the Seiſers, and theſe who ſhall aſſiſt them, ſhall be free of all skaith or prejudice may fall out thereupon: And that they give timeous notice thereof to the Lords of His Majeſties Privy Council or Exchequer, who are hereby impowered to puniſh the Importers, by fyning or impriſonment, or both, as they ſhall think fit. And for the Veſſels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confiſcat; two parts thereof to His Majeſties uſe, and the third part to the Seiſer, whether he be Heretor of the Lands where the Importation happeneth, or not. And in caſe any Heretors or Magiſtrates ſhall ſuffer any Victual to be imported, and ſhall not ſeiſe and certifie, as ſaid is, and that any other perſon ſhall inform thereof, and verifie the ſame; This Informer is to have the third of the Goods, if they ſhall be apprehended, and alſo the third of the fine impoſed upon the Heritors or Magiſtrates failzeing as ſaid is. Likeas His Majeſty, with advice foreſaid, doth Authorize the Lords of His Majeſties Privy Council to appoint fit perſons to receive the Subſcriptions of the Heretors, Magiſtrates & others foreſaids, within the bounds above-written, to the Bond hereunto ſubjoined. And if any of them ſhall refuſe to ſign the Bond, they are, for ſuch refuſal, Declared to Incur the pain and penalty of Two hundred pounds *Sterling*, and impriſonment during the Councils pleaſure: Beſides that, they ſhall be lyable to the ſame pains as if they had ſubſcribed the Bond. And for the encouragement and relief of ſuch Heretors and Magiſtrates, as ſhall give Bond as ſaid is, It is appointed, that if any Victual ſo imported, ſhall happen to be reſſett in any of the ſaids Shires or Burghs, the Reſſetter ſhall be lyable to relieve the Heretor or Burgh in whoſe bounds the Victual was Livered, of the Fyne they incurred thereby: As alſo, that their Tennents and Inhabitants ſhall alſo ſubſcribe the ſame. And in caſe of their refuſal, their Tacks of their Rooms, if they have any, are declared void, and they, and all ſuch other Tennents or Inhabitants, as have no Tacks, are to be removed from their Poſſeſſions and Dwellings, by ſentence of any Judge ordinar, before whom the refuſal ſhall be proven; Beſides that, they ſhall be lyable as if they had ſubſcribed the Bond, and their perſons to be impriſoned during the pleaſure of his Majeſties Privy Council, who are alſo hereby warranted to give Commiſſions & allowances to fit perſons to ſeiſe any of the ſaids Veſſels that ſhall be Water-born within the Waters, betwixt the Head of *Kintyre* and *Lochryan*, or within the Weſtern Iſles, or any Port, Loch, Creek or River from *Lochryan* to *Dumfreis*: As alſo, to allow importation of Victual for ſuch time as they ſhall think fit, the price of Victual, within the Kingdom for the time, being at eight pounds the Boll of Beir and Meil, and ten pounds Wheat, or above. And laſt, His Majeſty Ratifies and Renews all former Laws, and Acts, and Proclamations of Council made againſt importing of Victual as ſaid is: And Ordains them to be put to Execution, except in ſo far as they are altered by this Act; And Ordains Letters of Horning to paſſe hereupon, in form as effeirs.

The

The Tenor of the Bond above-mentioned.

I *in obedience of, and conform to, the Act of Parliament againſt Importation of Victual from* Ireland, *Do hereby bind and oblidge me, that I, nor my Tennents, nor any other Perſon dwelling upon any Lands belonging to me, ſhall not import nor reſſet any Victual from* Ireland. *And if any Victual, ſo imported, ſhall be Livered in any Bounds belonging to me, by any Perſon not living within my bounds, I oblidge me to ſeiſe and detain the Victual, Goods, Veſſels and Perſons therein, if they can be apprehended: And to give ſpeedy notice thereof to His Majeſties Council or Exchequer, under the pain of Twelve hundred pounds, as oft as I or they ſhall failzie in any of the premiſſes; To be payed to And for the more ſecurity, &c.*

The like Bond to be given by the Magiſtrates of the Burrows above-mentioned for their Inhabitants.

IV.

ACT for raiſing of a New Supply of Eight Hundred and Sixty Four Thouſand Pounds Scots, *Offered to His Majeſty.*

Edinburgh, 5. of *July*, 1672.

THE Eſtates of Parliament being ſenſible of the great Obligations lying on them to imbrace every Occaſion whereby they may renew the Expreſſions of their Duty, Loyalty and Gratitude to His Majeſty, for the many and conſtant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And conſidering that His Majeſty is now engaged in a moſt Juſt and Neceſſary War againſt the States General of the *United Provinces*, They conceive themſelves oblidged to take ſuch courſes, and provide ſuch remedies, as may evidence the ſenſe and reſentments this Kingdom hath of His Majeſties Honour and Intereſts, as well as what may concern their own ſecurity, againſt all Accidents which either from without or within the Kingdom may fall out upon this occaſion: And therefore They do hereby Declare, that, as the Kingdom of *Scotland* will cheerfully hazard their lives and fortunes in this or any other cauſe wherein His Majeſties Safety, Honour or Intereſts may be concern'd; So, in order thereunto, They have ſo ſettled the Militia, as the Forces of the Kingdom may be in readineſs, when ever His Majeſty ſhall be pleaſed for thoſe ends to make uſe of them. And conceiving it neceſſary, for the rendering of this Humble Tender of their Duty the more effectual for His Majeſties Service, That His Majeſty be provided with a ſtock of money toward the encouragement and maintenance of the Forces of the Kingdom, and ſuch other neceſſary occaſions as concern His Majeſties Honour, or the publick Peace: They do therefore, with all humble Duty and Cheerfulneſs, for Themſelves, and in name of this Kingdome which They repreſent, Make offer to His Majeſty of a new Supply of Eight hundred, ſixty four thouſand pounds *Scots*, to be payed and raiſed out of the Land-rent of the Kingdom, according to the preſent Valuations, in the ſame maner, and conform to the proportions contained in the Act of the Convention of Eſtates, for raiſing of the Supply granted to His Majeſty in the Year, One thouſand, ſix hundred, ſixty ſeven, and to be payed in four parts at the Terms following, each fourth part anſwering to three Moneths Ceſs; *viz.* Two hundred, and ſixteen thouſand pounds, as being one fourth part thereof, and anſwering to three Moneths Ceſs, to be payed at the Term of *Lambas* next to come in this preſent Year, One thouſand, ſix hundred, ſeventy two: Another Two hundred, and ſixteen thouſand pounds, at the Term of *Candlemas*, One thouſand, ſix hundred, ſeventy three; And the third Two hundred, and ſixteen thouſand pounds, at the Term of *Lambas*, One thouſand, ſix hundred, ſeventy three; And the fourth and laſt Two hundred, and ſixteen thouſand pounds, to be payed at the Term of *Candlemas*, One thouſand, ſix hundred, ſeventy four. Likeas the Kings Majeſty, with advice and conſent of His Eſtates of Parliament, Doth hereby Ordain the foreſaid ſumme of Eight hundred, ſixty four thouſand pounds *Scots* to be raiſed and payed at the Terms of payment particularly above-mentioned: And that the Commiſſioners for the Valuations take care, and be anſwerable, that the ſame be accordingly raiſed and payed in to ſuch as ſhall be warranted by His Majeſty to receive the ſame; And that all maner of diligence and execution contained in the foreſaid Act of Convention, One thouſand, ſix hundred, ſixty ſeven, be made uſe of for raiſing of this Supply above-mentioned, at the ſeveral Terms of payment thereof, as fully as if the ſame were expreſly repeated in this Act. And as His Majeſty with Advice foreſaid, Ordains that exactneſs, diligence and execution be uſed for the ſpeedy bringing in of this Supply as aforeſaid; So, for the encouragement of ſuch as ſhall make due payment, as ſaid is, It is alſo hereby Declared, That no perſon liable in any part of this Supply, ſhall be holden to produce their Diſcharges or Receipts of the ſame after the ſecond of *February*, in the Year One thouſand, ſix hundred, and eighty one. And farther, the Kings Majeſty, conſidering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it

juſt, that the perſonal eſtates of money ſhould bear ſome proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Conſent foreſaid, Statute and Ordain, That every Debitor owing money within this Kingdom, ſhall, for the ſpace of one year, from the Term of Mertinmeſs, One thouſand, ſix hundred, ſeventy two, to the term of Mertinmeſs, One thouſand, ſix hundred, ſeventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one ſixth part thereof, at the payment of the other five parts of the ſaids Annual-rents due for that Year as ſaid is.

V.

ACT concerning the Priviledges of Burghs Royal.

Edinburgh, 10. of July, 1672.

OUR SOVERAIGN LORD, taking into His ſerious Conſideration, how neceſſar it is, for the Wealth and Welfare of this His ancient Kingdom, that Trade & Commerce be encouraged, both for the Export of the grouth and Manufacturie of the Kingdom, and for the Import of Forreign Commodities, requiſite for the uſe and ſatisfaction of His People; And for that effect, that the Priviledges of the Royal Burrows granted by His Majeſty and His Royal Predeceſſors, may be eſtabliſhed, and cleared from the many Controverſies and Debates that have been thereanent, to the great diſquiet and expences, both of the Royal Burrows themſelves, and other Incorporations and People of the Kingdom: Which Controverſies have ariſen concerning the extent of the Priviledges of the Royal Burrows; and how far the Ratifications thereof granted by His Majeſty and His Royal Predeceſſors, and the Eſtates of Parliament, have been derogate and abrogate by contrair Cuſtom, Or by Infeftments and Priviledges granted by His Majeſty, and His Royal Progenitors; and ſpecially the 24. Act of the Parliament, holden by His Majeſties Royal Father, of happy Memory, in the Year of God, 1633. entituled, *Ratification of the Priviledges of the Royal Burrows*, whereby all exportation of any Merchandice is prohibited to any perſons but the Burgeſſes of Royal Burrows, their Factors or Servants; and all Perſons, dwelling out of Burrows, are prohibited to uſe any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or ſicklike Stuffs; nor that none Pack nor Peil without the Kings Burrows, under pain of Eſcheat of the Goods that ſhould be topped, ſold, packed or peiled contrair to that Statute: And giving power to the ſaids Royal Burrows, or their Commiſſioners, to ſearch unfree-mens Goods, intromet therewith as Eſcheat, either within the Countrey or any other part. Which Priviledges ſo extended, were never in uſe, and are higly prejudicial to the common intereſt and good of the Kingdom, and are by the ſaid Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the priviledges granted to Burrows generally to Royal Burrows only, to the prejudice of the Burghs of Regalities and Barrony, and extending of the ſale of Imported Commodities which could only be underſtood of whole ſale, to the topping and retailing of the ſaids Commodities. And on the other part, the juſt priviledges of the Royal Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-Commodities, without bearing burden with the ſaids Royal Burrows in the publick Taxations and Aids granted to His Majeſty. For remeed whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that it is, and ſhall be the priviledge of Free-men of Royal Burrows, and no other Incorporation or perſon within this Kingdom, to buy or ſell, in great or whole ſale, Wine, Wax, Silks, Spiceries, Wald, and other Materials for Dying; And that no other Incorporation or perſon within this Kingdom, ſhall have power to import or export the ſame, or to import any other Commodities, except ſuch as are allowed to them by this preſent Act: But prejudice to Noble-men, Prelates, Barones and others, of their priviledge of importing any of the ſaids Goods, for the proper uſe of themſelves and their families allanerly. Likeas, His Majeſty, with conſent foreſaid, Doth hereby Enact and Declare, that it ſhall be leiſom to any of His Majeſties good Subjects, or any perſon that ſhall buy from them, to export forth of this Kingdom, by Sea or Land, all manner of Corns that are of the Grouth of the Kingdom, all manner of Cattel, Nolt, Sheep, Horſe, Coal, Salt, and Wool, Skins, Hydes, and all other Native Commodities of the Kingdom: And that it ſhall be leiſom to the Burghs of Regality and Barony, by any of their Burgeſſes or Members of Society, to export all their own proper Manufacturie, or ſuch Goods as ſhall be bought by them in Fairs or Markets. And that it ſhall be leiſom to the ſaids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturies, and all others exporting the Native Growth of the Kingdom as aforeſaid, to import, in return of the ſaids Goods exported, or of the Fraught and Hire of the Ships, the Goods and Commodities following; *viz.* Timber, Iron, Tar, Soap, Lint, Lint-ſeed, Hemp, Onions, or other neceſſars, for Tillage or building, or for the uſe of their foreſaid Manufacturie: And als, to top and retail all Commodities whatſoever. Likeas, His Majeſty, with conſent of the ſaid Eſtates, Statutes and Ordains, That, if any man, not being free-man in the Royal Burrows, ſhall be found to have in His poſſeſſion any Goods or Commodities to be bought or ſold, exported or imported by him, contrair to this preſent Statute,

Statute, and the Priviledge of the Royal Burrows granted thereby; The ſaids whole Goods ſhall be eſcheat, the one half to His Majeſty, and the other half to the Burgh-apprehender: And that, if the ſaids Goods be apprehended within any of the ſaids Royal Burrows, or the Sub-urbs or Appendicles belonging to them, or within their Ports or Harbors; The ſamin may be ſummarly ſeiſed and ſecured, as Goods eſcheat in maner foreſaid. But if the ſaids Goods, competent only to Free-men of Royal Burrows, ſhall be found, or alleadged to be found, elſewhere; They ſhall only be arreaſted and purſued to be declared Eſcheat, to be divided in manner above-written, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magiſtrates of Burghs, or others by Commiſſion from them, or any of their Inhabitants, ſhall not ſearch or ſeiſe upon any Goods, or any way trouble or moleſt His Majeſties good Subjects, living without the bounds of their ſaids Burghs or Sub-urbs, ſummarly and by way of fact, but only by Legal Proceſs according to Law, upon the pretence of any Priviledge, Cuſtom or Uſage whatſoever, unleſs the Perſons be deprehended in the preſent and actual tranſgreſſion of the Priviledges of the Royal Burrows above-written, and that within the bounds of the ſaids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded againſt as Committers of Ryot, and Diſturbers of His Majeſties Peace. Likeas, His Majeſty, with conſent foreſaid, Caſſis, Annuls and Reſcinds all Acts of Parliament and Ratifications, in ſwa far as they are contrair to this preſent Statute: And Ordains Letters of Horning to be Direct ſummarly at the inſtance of all Royal Burrows, againſt all and whatſoever Perſons who have tranſgreſſed, or ſhall tranſgreſſe the foreſaids Priviledges, as the ſame are Eſtabliſhed and Declared by this preſent Act.

VI.

ACT diſcharging ſecond Summonds, &c.

Edinburgh, 10. of *July*, 1672.

FOraſmuch as the former Practice and Cuſtome, that Proceſs and Summonds before the Lords of Seſſion, for the moſt part, ſhould be continued, hes been the occaſion of delay of Juſtice, and of great trouble and charges to His Majeſties Leiges: By reaſon, that when the Parties, at leaſt the Defenders, did live at a great diſtance from the ſaid Judicatory, after the Purſuer had raiſed the firſt Summonds, and had ſent, and cauſed execute the ſame in remote places of the Kingdom: They were forced to return the ſame to be continued, and, upon an Act of continuation, to raiſe other Summonds, and to ſend the ſame again to the Countrey, and to cauſe execute the ſame in remote places of the Kingdom, for the moſt part by Meſſengers imployed and ſent there of purpoſe; And to return the ſame before there could be any Proceſs in the Cauſe foreſaid. And even when Parties had their reſidence near the ſaid Judicatory, and the Purſuers were concerned, and deſirous, to inſiſt with all poſſible diligence; and to that purpoſe had raiſed Summonds; Yet, if the Vacation-time did interveen, (during which their Summonds could not be continued) their Proceſs could not be in readineſs againſt the next enſuing Seſſion; ſo that they were poſtponed by the ſpace of diverſe moneths, to their great prejudice. And Our Soveraign Lord, being tender, and equally carefull of the Intereſt of His Subjects, both Purſuers and Defenders; And that a remedy may be provided for preventing the ſaid inconvenients and prejudice to the Purſuers: and yet ſuch a one, as the Defenders be not prejudged: Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth Statute and Ordain, that, in all Cauſes and Proceſſes that ſhall be intended hereafter before the Lords of Seſſion, of whatſoever nature the ſamin be; and albeit formerly the Summonds were in uſe, and ought to have been continued: Yet, the Purſuer ſhall not be oblidged to cauſe continue their Summonds, and to take out Acts of Continuation, and to cauſe raiſe and execute Letters and ſecond Summonds thereupon, any Law, Cuſtome, Statute or Act of *Sederunt* to the contrary notwithſtanding, which is hereby Repealed. And becauſe by the Law and Cuſtome formerly obſerved in the Cauſes foreſaid, being oftimes of great importance, a Decreet could not be obtained ſummarly upon a ſingle Citation; which may be, and ſometimes was induſtruouſly, and of purpoſe, ſo conveyed and concealed, that it could not come to the Defenders knowledge: And upon the conſiderations foreſaids, after that the Defenders were cited by the firſt Summonds, they behoved again to be cited, and in ſome caſes, not by Sheriffs in that part, but by Meſſengers at Arms, and with, and under other and higher certifications then were contained in the firſt Summonds. And ſeeing it is juſt, and it is His Majeſties intention that they ſhould not be prejudged of the benefit and means foreſaid, whereby they may be the better certiorate, and have time, to deliberate, and prepare themſelves for their defence: It is therefore Ordained by His Majeſty, with conſent foreſaid, That all Summonds before the Lords of Seſſion, which before were in uſe, and ought to have been continued, ſhall contain two ſeveral Warrants for citing the Defenders at two ſeveral times, and to two diſtinct diets and dayes of Compearance; And that the ſaids Summonds be directed to Sheriffs in that part, and Meſſengers *reſpective*; and that, by the firſt Warrant to be inſert in the ſaid Summonds, ſuch perſons, as might, and were in uſe, to have executed the firſt Summonds, be warranted to give the firſt citation upon the ſame time, and with the ſame certifications as formerly

were and ought to have been in citations upon the firſt Summonds: And by the ſecond Warrant, Meſſengers at Arms, or ſuch other perſons as formerly were and ought to have been imployed to execute Letters or ſecond ſummonds, when they were apart, and upon Acts of Continuation; ſhall be warranted, and commanded to give the ſecond Citation, after the paſſing and elapſing of all the time contained in the Warrant for the firſt Citation: And the ſaid ſecond Citation ſhall be upon the ſame time, and with the ſame certifications that were uſual in ſecond Summonds, and in the Acts whereupon the ſame proceeded, according to the ſeveral ſtiles, conception and nature thereof *reſpective*. And it is Declared, That upon all Summonds againſt Parties, either within or without the Countrey, containing the ſaid Warrant for two Citations, being execute as ſaid is, and no otherwiſe; Proceſs ſhall be granted in all cauſes which before did abide Continuation, in the ſame manner, and with the ſame effects, to all intents and purpoſes, as were granted upon Summonds, Acts of Continuation and Letters: And in all other Proceſſes and cauſes, which did not require Continuation, It is Declared, that the Summonds ſhall be libelled, and Proceſs ſhall be granted thereupon as before, and in the ſame manner, without any change or alteration. And it is further Statute and Ordained, that, in time coming, all Executions of Summonds ſhall bear expreſly the names and deſignations of the Parties purſuers and Defenders: And that it ſhall not be ſufficient that theſame do relate generally to the Summonds. otherwiſe the Execution ſhall not be ſuſtained.

VII.

A *CT concerning Writs paſſing the* Great *and Privy Seals.*

Edinburgh, 12. of July, 1672.

THe Kings Majeſty, conſidering how much His own Service and the Intereſts of His Subjects is prejudged, by the neglect of Regiſtrating theſe Charters, Infeftments, Gifts, Commiſſions and other Writs, which do paſs, and are written to, the Great and Privy Seals; Doth, for remeeding and preventing of this evil for the time to come, with advice of His Eſtates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commiſſions, Gifts and other Writs which hereafter ſhall paſs under the Great and Privy Seals, ſhall be regiſtrat in the Regiſters of the great and privy Seals, *reſpective*, before the Seall be appended to them: And the Writers to theſe Seals, who keep the Regiſters thereof, are hereby Ordained to Regiſtrat every Writ paſſing their Office, and, by their ſubſcription, to mark the ſame on the back thereof, to be written and Regiſtrate by them, before they give them out to be ſealed; and that they make and keep a perfect Minut-book, containing the Names, Surnames and Deſignations of the perſons in whoſe favours the Charters and other Writs are granted, with the Names of the Lands and ſpecial matters therein contained: And the keepers of theſe Seals are hereby Diſcharged to append the Seals to any writs which are not ſo marked and atteſted to be Regiſtrat, as they will be anſwerable. And his Majeſty futher conſidering, that the Writting of Precepts of Seaſing, to paſs under the Quarter Seal, is a great anb unneceſſary trouble to His Subjects, and may be aſwel, and with leſs trouble ſupplied, if the Precept of Seaſing were inſertin the Charter; Doth therefore, with advice foreſaid, Suppreſs, and for ever Diſcharge, the paſſing or writing of any precepts of Seaſing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter ſhall, towards the end, contain a Precept of Seaſing of all the Lands and others contained therein; which ſhall be als ſufficient for taking of Seaſings, as if the ſame were paſt under the Quarter Seal as ſaid is. Likeas, His Majeſty, underſtanding the great trouble and inconveniencies occaſioned by the Writing of long Charters and other Writs, which paſs the Seals aforeſaid, in one broad parchment, of ſo great length and largeneſs, that they can hardly be read: Doth, for remeid thereof, with advice foreſaid, Statute and Ordain, that it ſhall be free to any perſon, who hath any Charter or Writ to be written for the Great or Privy Seals, to choiſe whether to have the ſame written in a broad skin of parchment as formerly, or to have them written by way of a book in leaves of parchment, about the breadth of an ordinary ſheet of paper; and accordingly, the Writters to the Great and Privy Seals, are hereby Ordained to write and exped the ſame: And, if they ſhall be written in the way of a book, that each page be ſigned and marked by them as ſaid is. Which being done, the reſpective Seals are to be appended thereto in manner following, *viz.* To ſuch as ſhall be written on a skin of parchment in the ordinary way, That the Seals be appended as formerly: And to theſe which ſhall be written in the book-way, that the Seals ſhall be appended upon a Tye or Band, which is to go thorow all the leaves in the Margine. And that for doing hereof, this ſhall be a ſufficient warrand to all perſons concerned.

VIII.

A *CT concerning Arreaſtments uſed within Burghs.*

Edinburgh, 12. of July, 1672.

OUR SOVERAIGN LORD conſidering, that the Burrows Royal have been in uſe to arreaſt Strangers, who live without their reſpective Burghs, for all Debts due by them to any of the Inhabitants Burgeſſes of the ſaid Royal Burrows, any maner of way, without diſtinction; Do daily force them to find Caution to compear before the Town-Courts, or otherwiſe go to Priſon, to the great hurt and prejudice of the Leiges, who being Strangers, and not able to find Caution within Burgh, are oftentimes ſummarly incarcerat, without any juſt cauſe, to their great dammage, expences, and diſgrace. For remeid whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that, in time coming, no Burgeſſe nor other Inhabitant of any Royal Burgh ſhall have power, or be permitted, to arreaſt any of His Majeſties Subjects of this Kingdom, who live outwith the Burgh, or force them to find Caution, or impriſon them as ſaid is, for any debt whatſoever; Except allanerly for Horſe-meat or Mans-meat, Abuilzements or other Merchandice due by Strangers to Burgeſſes: For which they have no other ſecurity but their own Compt-books; and for which the ſaid priviledge of Arreaſtment ſhall only be competent to the Merchant, Inn-keeper or Stabler *reſpective* from whom the ſamin was gotten, and to whom it was originally addebted: So that, in caſe the ſamin be aſſigned to any other Burgeſs, the Aſſignee ſhall not have the benefit of that Priviledge. And ſiklike, if Strangers have given Band or other ſecurity, for the Mans meat, Horſe-meat, Abuilzements or other Merchandice, The Merchant, Inn-keeper or Stabler *reſpective* ſhall not have the benefit of the foreſaid Priviledge; but ſhall be left to purſue for their reſpective Debts before the Judge Ordinar as accords. And in regard that Burghs of Regality and Barrony do aſſume the ſame Priviledge; Therefore His Majeſty, with advice foreſaid, Inhibits & Diſcharges the Magiſtrates of theſe Burghs to Arreaſt or Incarcerat any perſons who are not Burgeſſes Inhabitants in their Burgh, for any maner of Debt: And it is hereby Declared, That, if any Magiſtrate of any Burgh ſhall preſume to do in the contrair hereof. They ſhall be puniſhed for wrongous Impriſonment of His Majeſties Leiges.

IX.

A *CT againſt Unlawful Ordinations.*

Edinburgh, 24. of July, 1672.

OUR SOVERAIGN LORD conſidering, that the true and regular way of Ordination to the holy Calling and Imployment of the Miniſtry is of great and neceſſary importance, to the Conſtitution, Peace and Unity of this Church, and for preſerving the Reverence and Intereſt of the Reformed Religion profeſſed in it; and for the preventing of the grouth of ſcandalous Schiſm and Confuſion ariſing from various and different Ordinations: Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that no perſon or perſons whatſoever preſume to appoint or Ordain any perſon to the Office and Work of the Miniſtry, except theſe who have Authority approven by the Laws of the Kingdom for that effect; and that no perſon take Ordination from any, but ſuch as are thus Lawfully Authorized to give the ſame: Declaring hereby, all pretended Ordinations of any perſons, ſince the Year, 1661. which have not been, or hereafter ſhall not be, according to the Appointment of the Law, to be null and invalid; And all perſons who, ſince the ſaid Year, have received pretended Ordination, or ſhall receive the ſame any other maner of way then as is ſettled by Law, to be no Miniſters. And His Majeſty, with advice foreſaid, Statutes and Ordains, that both the pretended Ordainers, and theſe who ſhall pretend to have received Ordination, be ſeiſed upon by the Sheriff or other ordinar Magiſtrat of the place, and committed to Priſon, until they be dilated to the Lords of the Privy Council; who are hereby Authorized and Ordained after tryal, and finding the ſaids perſons guilty, to ſentence them by Confiſcation of all their moveable Goods, and baniſhing them, and to cauſe them find Caution not to returne to His Majeſties Dominions. And in caſe they ſhall refuſe to find Caution, or being baniſhed, ſhall afterwards return to this Kingdom, that they ſhall ſuffer perpetual impriſonment, and not to be releaſed, except by a Warrand under His Majeſties own hand. And farther, it is hereby Statute & Declared, that whoſoever ſhall be married within this Kingdom by the foreſaids perſons, or by any other perſon not lawfully Authorized, They ſhall amit and loſe any right or intereſt they may have by that Marriage, *jure Mariti vel jure Relictæ*, and that by and attour the pains and penalties provided by the Act of Parliament in *Anno* 1661. againſt diſorderly and clandeſtine Marriages: Which Act is hereby Ratified and Renewed.

X.

ACT concerning Apparel.

Edinburgh, 26. of July, 1672.

OUR SOVERAIGN LORD conſidering the great prejudice, which this Kingdom doth ſuſtain by the ſumptuouſneſs and prodigality which all ſorts of perſons uſe in their Apparel, without regard to, or diſtinction of, their ſeveral degrees and qualities; conſiderable ſummes of money being, upon that occaſion, unneceſſarly exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improven for the uſe and advantage of the Inhabitants: For remeid whereof, His Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that none of His Majeſties Subjects of this Kingdom, of whatſoever degree, condition or quality, ſhall, after the firſt day of *June*, one thouſand, ſix hundred, threeſcore thirteen Years, wear any Cloths or Apparel wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatſoever kind, Buttons, Ribbands, Tracings, Fringes, or Louping made of Gold or Silver; or have any Imbroidering of Gold or Silver upon their Apparel, Swordbelts or any other manner of way: Excepting alwayes Buttons, Buckles and Hilts of Swords of Gold-ſmith-work, which the Priviledged Perſons after-expreſt are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped ſtuffs, or Brocado's of Silk, or have any Silk-lace, Gimp lace, or any other kind of Lace or Imbroidering of Silk upon their wearing Cloathes: And that no perſon preſume to import into this Kingdom, or make, or ſell therein any of the Commodities above-expreſt after the date hereof; Certifying ſuch as ſhall contraveen, that they ſhall be lyable in the pains following, *viz.* The Importer, Maker and Seller, ſhall be fyned in One thouſand pounds *Scots*, by and attour the Confiſcation of the Goods ſo imported, made or ſold: And the Wearer thereof in five hundred merks *Scots*, *toties quoties*, by and attour the Confiſcation of the Cloathes. And it is hereby Declared, that the Importer of ſuch prohibited Goods ſhall not have Action, for the price thereof, againſt the Merchant, for whoſe uſe the ſame were imported; Nor the ſeller thereof againſt the Buyer, albeit Bands be given for the ſame, if it can be made appear that the Bands were given for that cauſe: Excepting alwayes from this preſent Act, Comedians, as to the Cloathes which they make uſe of upon the Stage; Heraulds, as to their Coats, and His Majeſties Trumpetters; And alſo excepting Pages and Lacqueys of the Priviledged Perſons after-named, as to ſilk-laces and Paſments allanerly, which they are hereby allowed to wear upon their Livery-cloathes. And His Majeſty, with advice foreſaid, Doth Statute and Ordaine, that none of His Subjects ſhall, after the firſt of *June* next, wear any Cloathing or Apparel of Velvet, Sattin or other ſtuffs of Silk, or wear any Beaver-hats, under the pain of five hundred merks, to be payed by the contraveener, *toties quoties:* Except Noble men, Prelates, His Majeſties Counſellors, Lords of *Seſſion*, and ſuch Barrons, Knights, or Gentle-men, who have of yearly valued Rent Two thouſand pounds *Scots* money; And the Provoſts of the principal Burrows within this Kingdom; Or theſe that have been Provoſts, and ſuch alſo as ſhall be for the time, or have been Provoſts, Baillies, Dean of Gild or Theaſurer within the Town of *Edinburgh*: Excepting alſo Rectors of Univerſities, and the Wives of the ſaids Priviledged Perſons, their eldeſt Sons, and eldeſt Daughters unmarried, and all the Children of Noble-men; And that none wear any Ribbands or Louping of Silk upon their Apparel, or any white Lace, or Point made of Threed, under the pain of Five hundred merks *Scots toties quoties*; Excepting the Privileged Perſons aforeſaid, who are hereby allowed to wear plain Taffety-ribbands upon their Apparel, and to wear white Lace or Point made of Threed upon their Linnings only. And all perſons whatſoever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforeſaid: But prejudice alwayes to all ranks of perſons (except thoſe of the Yeomanry) to wear plain Taffety-ribbands upon ſuch parts of their Apparel where they may have occaſion of the ſame for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domeſtick ſervants to wear their Maſters or Miſtreſſes old Cloathes, allowed to them by this Act. And for the better effectuating hereof, His Majeſty, with advice foreſaid, Ordains all Collectors of Aſſeſsment and Exciſe, and their *Sub*-Collectors, Farmorers and Collectors of Cuſtomes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commiſſioners of Exciſe in the ſeveral Shires and Burghs, and to the General Collectors of the Cuſtomes and Exciſe, Liſts of all thoſe whom they have ſeen and obſerved to tranſgreſs this Act: And it is hereby Declared, that the one half of the penalties aforeſaid ſhall belong to themſelves, and the other half ſhall be collected by them for His Majeſties uſe; Tryal being firſt taken, and the perſons found guilty, by the Commiſſioners of Aſſeſsment or Exciſe, Juſtices of Peace, or other ordinary Magiſtrate of the place: And ſuch Contraveeners as they ſhall not give information of, that the one half of their Fynes ſhall belong to any other perſon who ſhall diſcover them. And in caſe the ſaid Collectors of Aſſeſsment and Exciſe, Farmorers and Collectors of Cuſtomes, or Waiters, ſhall failzie to give up the ſaid Liſts as aforeſaid, They ſhall thereby loſe their places, and be incapable of that Service for ever. It is alwayes provided, that no perſons contraveening this Act, ſhall be liable to the ſaids penalties, unleſs their names be given up within the ſpace of three months after their incurring thereof: But prejudice alwayes to any other perſon, who ſhall diſcover the Contraveeners in manner foreſaid,

foreſaid, of the one half of the penalties, whenſoever they ſhall diſcover them. Likeas, the Commiſſioners of His Majeſties Juſticiary are hereby required to give Order, at their Circuit Courts, to take up Dittays againſt the Tranſgreſſors of this Act; and to proceed againſt them, by fyning them in the ſummes above-mentioned, and to exact the ſame. Likeas, His Majeſty, with advice foreſaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take ſuch further courſes, for making this Act effectual, as They ſhall think fit.

XI.

ACT against ſuch who do not Baptize their Children.

Edinburgh, 16. of *Auguſt*, 1672.

THe Kings Majeſty, conſidering that diverſe diſaffected perſons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to Baptize them, or pretend that they are not Baptized; thinking thereby to eſcape the puniſhment, which by former Acts of Parliament, is appointed to be inflicted upon ſuch as are guilty of diſorderly Baptizing: Doth therefore, with advice and conſent of His Eſtates in Parliament, Statute and Declare, that ſuch Parents, who ſhall hereafter keep their Children un-baptized for the ſpace of thirty dayes together, or ſhall not produce a Teſtificat under the hand of the Miniſter of the Pariſh, bearing that the Children were Baptized within the ſaid ſpace, ſhall incurre, and be lyable to, the pains and penalties following; *viz.* Every Heretor, Life-renter, or proper Wod-ſetter, ſhall be fyned in a fourth part of his valued yearly Rent; Every perſon, above the degree of a Tennent, having a perſonal, but no Real Eſtate, in One hundred pounds *Scots*; Every conſiderable Merchant, in an hundred pounds; Every inferior Merchant, or conſiderable Tradeſman, and every Tennent labouring Land, in fifty pounds; Every meaner Burgeſs, Tradeſman, Inhabitant within Burgh, and every Cottar, in twenty pounds *Scots*; and every Servant in half a years Fee, And it is hereby Declared, that, where Kirks are Vacant, the Parents ſhall, within the ſaid ſpace of thirty dayes, be obliged to go to the next adiacent Pariſh Kirk which is Planted, and obtain their Children Baptized there, under the foreſaid penalties. And His Majeſty, with advice foreſaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magiſtrates of Burghs Royal, within their reſpective bounds, to put this Act in execution, by calling before them, and judging the Contraveeners, and uplifting the Fynes above-mentioned: And for their encouragement, They are hereby allowed to retain the Fynes of all the ſaids perſons for their own uſe; except theſe of Heritors, for which they are to be comptable to the Commiſſioners of His Majeſties Theſaurary.

XII.

ACT for an Anniverſary Thanksgiving.

Edinburgh, 21. of *Auguſt*, 1672.

THe Eſtates of Parliament, conſidering the great Bleſſing of Almighty GOD, in reſtoring His Majeſty to the Throne of His Royal Anceſtors; and thereby liberating theſe Kingdoms from the thraldom and bondage under which they did ſo long groan; In acknowledgment of Their Thankfulneſs to GOD, and of Their Duty and Loyalty to His Majeſty, and that the memory of ſo great a Mercy may never fall in oblivion or neglect: Do humbly offer to His Majeſty, that the Anniverſary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29. of *May*, being the Day of His Majeſties Birth and Reſtauration. Therefore His Majeſty, with conſent of the Eſtates of Parliament, Statutes and Ordains, that the Anniverſary Solemnity, for His Majeſties happy Birth and Reſtauration, ſhall, in all time coming, be kept upon the 29. day of *May* yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidences of Joy, be obſerved the ſaid whole Day, with Bonefires at night; And that all Miniſters within the Kingdom ſhall Preach yearly upon the ſaid 29. of *May*, that they, with the People, may give thanks to GOD Almighty, for His ſo ſignal Goodneſs to theſe Kingdoms. Certifying, that whoſoever ſhall fail in obſerving this preſent Act, they ſhall be fyned, and otherwiſe puniſhed, by His Majeſties Privy Council, and other Judges ordinar, according to their condition and eſtate. And His Majeſty, with advice foreſaid, Declares, that this preſent Act ſhall be the Rule and Warrant for the ſaid Anniverſary, in all time coming.

ACT

XIII.

ACT for the Ann due to the Executors of Biſhops and Miniſters.

Edinburgh, 23. of Auguſt, 1672.

THe Kings Majeſty, judging it neceſſary, for the good of the Church, that ſuch a ſtated and equal courſe be taken for clearing and ſecuring the Ann due to the Executors of deceaſt Biſhops, Beneficed perſons and Stipendiary Miniſters, as may be ſuitable to the Intereſt of the Executors, and no diſcouragement or hinderance to the planting of the Vacant Benefices: Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that, in all ſuch caſes hereafter, the Ann ſhall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; which is now ſetled to be thus, *viz.* If the Incumbent ſurvive *Whitſunday*, their ſhall belong to them for their Incumbency, the half of that years Stipend or Benefice, and for the Ann the other half: And if the Incumbent ſurvive *Michaelmaſs*, he ſhall have right to that whole Years Rent for his Incumbency; and for his Ann, ſhall have the half years Rent of the following year: And that the Executors ſhall have right hereto, without neceſſity or expences of a Confirmation.

XIV.

ACT for the Retouring of Taxt-Marriages

Edinburgh, 23. of Auguſt, 1672.

THe Kings Majeſty and the Eſtates of Parliament, taking to their conſideration the great prejudice His Majeſty ſuſtains by the ſeveral Services of Heirs, holding Land of His Majeſty, Waird, Taxt or Few with the Marriage; And the Retour making no mention of the Taxt of the Marriage, His Majeſty is oftimes fruſtrate of His Caſuality of the Marriage; For preventing whereof, It is Statute and Ordained, that the Inqueſt upon each ſervice of Heirs, holding Lands Waird, Taxt or Few with the Marriage, ſhall hereafter take tryal what is the Taxt for the Marriage, and of the Few *cum Maritagio*, if it be Taxt; and return the ſame to the Chancellary, to be inſert in the Precept.

XV.

Commiſſion for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of Auguſt, 1672.

FOraſmuch as His Majeſties Father, of ever bleſſed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and proviſion of the Miniſtry and Churches thereof, and the Peace of the Kingdom, and for preventing, and ſettling all Queſtions and Differences that did, or might ariſe betwixt Titulars and others having right to Teinds, and Heretors, concerning the leading and drawing of their Teinds; Did, immediatly after His attaining and ſucceeding to the Crown, Give forth and emit His Royal Declaration anent the premiſſes, and the other particulars therein mentioned. And in purſuance of the ends foreſaids, diverſe Laws and Acts of Parliament were made in the year of our Lord, 1633. His ſaid Majeſty being preſent in His Royal Perſon; and ſince, diverſe Acts of Parliament and Commiſſions have been, from time to time, Made, Given and Renewed to that purpoſe: And yet, by reaſon of the unhappy Troubles and Diſtractions of the late Times, that good and neceſſary Work neither is, nor could be throughly and fully accompliſhed. And, His Majeſty being reſolved, and deſirous to proſecute ſo good a Work, for the univerſal Good of His Subjects, and ſpecially for the encouragement of the Miniſters of the Goſpel: Therefor His Majeſty, with advice and conſent foreſaid, Gives full power and Commiſſion to His Majeſties Officers of Eſtate for the time being; And to the Arch-Biſhop of *St. Andrews*, the Arch-Biſhop of *Glaſgow*, the Biſhop of *Edinburgh*, the Biſhop of *Dunkeldin*, the Biſhop of *Galloway*, the Biſhop of the *Iſles*, the Biſhop of *Breichin*, the Biſhop of *Dumblaine*, and the Biſhop of *Aberdene*, for the Clergy; The Duke of *Hamilton*, the Earl of *Argyl*, the Earl of *Athol*, the Earl of *Linlithghow*, the Earl of *Queensberry*, the Earl of *Tweedale*, the Earl of *Kincardin*, the Earl of *Dundonnald*, and the Lord *Elphingſton*, for the Nobility; The Preſident of the Seſſion, the Lord *Colingtoun*, the Lord *Gosford*, the Lord *Craigie*, the Laird of *Niddrie*, the Laird of *Nickolſon*, the Laird of *Balcaskie*, Sir *Charles Erskin* of *Cambo*, and Sir *William Lockhart*, for the Barons; Sir *Andrew Ramſay*, Sir *William Thomſon*, Sir *William Sharp*, Sir *Alexander Bruce*, *John Murray*, Tutor of *Stormonth*, *Robert Milne*, *Thomas Calderwood*, *William Binning*, and *John Johnſtoun of Poltoun*, for the Burgeſſes; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Eſtate, and two Commiſſioners of Shires, and two of Burghs; Of which number, the Arch-Biſhop of *St. Andrews*, or the Lord Chancellor, or one

or one of the Commiſſioners of the Theſaurary, or the Arch-Biſhop of *Glaſgow*, or the Lord Privy Seal, or the Lord Secretary, or the Duke of *Hamilton*, or the Earl of *Tweedale*, being alwayes one, To meet and conveen at *Edinburgh*, the day of Years; And at ſuch other place or places, times or diets as They ſhall appoint, To Value, and cauſe be valued, whatſoever Teinds great or ſmall, Parſonage or Vicarage, within this Kingdom, which are yet unvalued: Declaring, that where the Vicarage of any Pariſh is a ſeveral Benefice and Title from the Parſonage, the ſame ſhall be ſeverally valued, to the effect the Titulars, or Miniſters ſerving the Cure, having right to the ſaid Vicarage, be not fruſtrated of the true worth thereof. With power to the ſaids Commiſſioners, or *Quorum* foreſaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commiſſions, and to receive reports from them, and to approve or diſapprove the ſame, as they ſhall find juſt; and to rectifie whatſoever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of the Kirk, and prejudice of the Miniſters maintenance and proviſions. Provided alwayes, Likeas it is hereby expreſly provided, that, where Valuations are lawfully led againſt all parties having intereſt, and allowed by former Commiſſions; The ſame ſhall not be drawn in queſtion, nor rectified, upon pretence of enorm leſion, at the inſtance of the Miniſter (not being Titular) or at the inſtance of His Majeſties Advocat, in reſpect of His Majeſties Annuity; Except it can be proven, that colluſion was uſed betwixt the Titulars and Heretors, or betwixt the Procurator Fiſcal and Heritors and Titulars: Which colluſion is declared to be, when the Valuations are led with the diminution of the third part of the juſt Rent: which diminution ſhall be proven by the parties oath: And with power to the ſaids Commiſſioners, or *Quorum* foreſaid, where Miniſters are not already ſufficiently provided, or have not Localities aſſigned to them for their Stipends, out of the Teinds within the Pariſh where they ſerve the Cure, in ſo far as the ſamin will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in *Anno*, 1633. To modifie, ſettle and appoint conſtant locall Stipends to ilk Miniſter, out of the Teinds of the Pariſh where they ſerve the Cure. With power alſo, to grant recompence, by prorogation of Tacks to parties, for the augmentation of Stipends, which ſhall be impoſed ſuitable to the ſaid augmentation, as the ſaids Commiſſioners ſhall think juſt. And ſicklike, with power to diſjoin too large and ſpacious Pariſhes, to cauſe erect and build new Churches, to diſmember and annex Kirks, as they ſhall think convenient. And to take order, that every Heritor and Life-renter ſhall have the leading and buying of their own Teinds, if they be willing, according to the rules preſcribed by the nineteenth Act and Commiſſion granted by His Majeſty, with conſent of the Eſtates of Parliament in *Anno*, 1633. and the Acts of Parliament therein mentioned. With power to determine all Queſtions concerning the prices of Teinds betwixt Titulars and others having right thereto, and the Heritors: and to appoint ſuch ſecurities, in favours of the Titulars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the ſaids Teinds; and in favours of the Miniſters, as to their maintenance, as the ſaids Commiſſioners ſhall think fitting, according to the Rules ſet down in the ſaid Act in *Anno*, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not valued, within the ſpace of three years after the date of this Act: With this Declaration alwayes, that, in caſe the impediment, during the time foreſaid, flow from the Titular, by reaſon of his minority or other inability; in that caſe the Heritor, who offered to buy his own Teind within the ſpace foreſaid, ſhall have place, ſo ſoon as the impediment is removed, to buy his Teinds, notwithſtanding of the expyring of the years and ſpace above-expreſt. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foreſaid ſpace; The Minor ſhall have action for two years after his minority, to compel the Titular to ſell his ſaids Teinds: And generally with power to the ſaids Commiſſioners to decide and determine in all other points which may concern the leading and drawing the Teinds, the ſelling or buying of the ſame, or payment of the rates thereof, contained in the former Acts of Parliament, or ſet down in the general determination given out by His Majeſties Royal Father, of bleſſed Memory. And if any perſon or perſons ſhall find themſelves grieved, and complain of the injuſtice or exorbitancy of any Decreets and Sentences given in any of the Commiſſions during the late Troubles; with power to the ſaids Commiſſioners to take the ſame to their conſideration, and to alter, annul or allow the ſaids Decreets and Sentences, as they ſhall find juſt. And it is alwayes Provided and Declared, that Arch-Biſhops and Biſhops, and other Beneficed Perſons, being Miniſters, and their Succeſſors, ſhall not be prejudged of the Rents whereof their Predeceſſors were in Actual and Reall poſſeſſion; and which, by the Laws of the Kingdom, were due to them in *Anno*, 1637. And that they ſhall be no farther bound, but according to the proviſions and conditions expreſt in the Submiſſions made by the Biſhops to His Majeſties Royal Father, of bleſſed Memory; which is of the date the day of 1628. Years, and Regiſtrate in the Books of Commiſſion for Surrenders and Teinds, upon the 15. day of *July*, 1631. And whereas it may fall out, that ſome of the ſaids Commiſſioners may be unable to attend the Service, through death, ſickneſs or other known impediment: Therefore His Majeſty Declares, that He ſhall be careful to fill their places with other Perſons qualified, whoſe Oaths, for faithful diſcharge of the ſame, ſhall be taken by the Chancellor, or, in his abſence, by the Preſident of the Commiſſion for the time; And Ordains this preſent Commiſſion to endure ay and while the ſame be diſcharged by His Majeſty, and the Acts, Decreets and Sentences thereof to have the force, ſtrength and effect of a Decreet and Sentence of Parliament;

liament; and the Lords of Seſſion to grant Letters of Horning, Poinding and others requiſite in maner contained in the foreſaids Commiſſions. And His Majeſty, with conſent foreſaid, hereby Diſcharges all former Commiſſions, Declaring the ſame to be expyred.

XVI.

ACT concerning the Regulation of the Iudicatories.

Edinburgh, 30. of *Auguſt*, 1672.

THE Kings Majeſty being deſirous, that the publick Judicatories of this Kingdom might be ſo regulat, that all abuſes which had, or might probably creep into the ſame, be redreſſed and prevented; and that the beſt, moſt ſummar and equal way, of bringing and calling of Proceſſes for diſpenſing of Juſtice, ſhould be ſettled, as his Subjects might be relieved and ſecured againſt oppreſſion and exactions, and that Juſtice might be adminiſtrat to them with expedition, and as little trouble and charge as may be: Did, by a Commiſſion under the Great Seal, of the 21. of *September*, 1669. Authorize ſome Noblemen and others of his Privy Council and Seſſion, to conſult, ſettle and ſet down ſuch Rules and Orders as they ſhould judge neceſſary for theſe ends, and to return an account of their proceedings to His Majeſty, that He might take ſuch courſe therein, as in His Royal Wiſdom He ſhould think fit. In obedience whereunto, the Commiſſioners having had ſeveral meetings, and conſulted on the beſt and readieſt wayes, for the proſecution of His Majeſties Royal Intention, for the good and eaſe of His Subjects, and finding the ſame to be of ſuch importance, as required a longer time to make a full ſettlement therein; Yet, in the moneth of *March*, 1670. they agreed unto, condeſcended upon, and did return to His Majeſty, certain Rules and Articles of Regulation, without prejudice of what, upon furder conſideration, they ſhould thereafter offer for a full ſettlement. And His Majeſty having conſidered theſe Rules and Articles, did, by His Royal Allowance of the fourth of *June*, 1670. Ratifie and Approve the ſame, and did Ordain them to be duly obſerved in all time coming. And the Commiſſioners having ſince that time, keeped ſeveral Meetings, and taken that Affair into their furder conſideration, have reſolved upon ſome other Articles, Rules and Amendments; which being joyned with the former, and again offered to His Majeſties conſideration, His Majeſty doth, with Advice and Conſent of His Eſtates of Parliament, Ratifie and Approve the ſame, and Ordains them to be recorded in the Books of Parliament, and duly obſerved by all His Majeſties Subjects. Of the which Articles, the Tenor follows.

Concerning the SESSION.

1. SEeing a great part of the trouble and expences of the Lieges, in obtaining of Juſtice in their Cauſes, is occaſioned through the uncertainty of their attendance, upon Proceſſes depending before the Lords of Seſſion; whereby not knowing any certain time, at or about which their Proceſſes will be called, they are neceſſitat to wait on the moſt part of the time of the Seſſion, during the dependence of their Proceſſes, or otherwayes to be abſent when the ſame are diſcuſſed. That therefore, all Proceſſes ſhall be diſcuſſed and determined as the Parties are in readineſs, and do call for Juſtice after the ſame have been ſeen by the Defenders Advocats, and are returned by them; And that according to the date of the Returns which are ſet down, and ſigned by the Defenders Advocat upon the Proceſs it ſelf, that no Parties be preferred in obtaining Juſtice to any other who was ready, and calling for it before. And that Books of Enrollment be made for enrolling the ſaid Proceſſes, according to the dates of the Returns; that thereby notice may be timeouſly given to all Parties having Intereſt in the Proceſs, how far the Lords of Seſſion are advanced, in diſcuſſing and determining Proceſſes according to the ſaids Rolls, that the Parties may be preſent when their Proceſſes will fall in to be diſcuſs'd and determined, in their courſe as they ſtand in the Rolls; and may in the mean time reſt quiet and ſecure, that their Rights and Intereſts will not be decided when they cannot know to be preſent, which cannot be attained, unleſſe all priviledges whereby any Cauſe can be called, otherwiſe then according to its due courſe in the ſaids Rolls, be laid aſide; Excepting only the Cauſes belonging properly to the Kings Majeſty (and not to Donators or others) which may be called at any time when His Majeſties Advocat pleaſeth, upon either of the two next *Sederunt*-dayes after the Proceſſe is returned; or if the ſame be not called on either of the ſaids two dayes, at any time thereafter, upon fifteen dayes advertiſement to the Defenders Advocats, that they may acquaint their Clients to be preſent.

2. That the Books of Enrollment for the Outer-houſe be keept and made up by the perſon appointed, or to be appointed by the Lords of Seſſion, who ſhall attend at the Seſſion-houſe each Saturday in Seſſion-time, from two a clock in the afternoon, till four, and ſhall take up a Note of all Proceſſes ſhown to him, containing the names and deſignations of the Purſuers and Defenders, and the name of the Cauſe, whether it be Advocation, Suſpenſion, Declarator, Reduction, or any other having a ſpecial name; or otherwiſe under the name of Lybell'd Summonds, and contain the date of the return, ſigned by the Defenders Advocats upon the Proceſs; and by the ſaid Note, ſhall inſert in the Books all that is produced that day, in manner following, *viz.*

in one

in one Book Suſpenſions, Advocations, Removings, Ejections and Recent-ſpuilzies: And in the other Book, all other Cauſes, according to the dates of the Returns, expreſſing in the Books, the day of the moneth of the uptaking, before the Cauſes taken up that day, and alſo expreſſing the day of the moneth of the return, before the Cauſes returned each day, and ſhall interline nor inſert no Cauſe in the ſaid Books, but ſet them down in order as they were preſented, according to the date of their returns; and ſhall receive for inſerting of the ſaids Cauſes in the Books, and for affixing Rolls upon the Wall conform to the ſaid Books, for every Proceſs four ſhillings *Scots*, and no more, although the ſaid Proceſs ſhould continue to be Enrolled ſeveral weeks, untill the Ordinary have called and heard the ſame; which Books of Enrollment ſhall alwayes remain in the Seſſion-houſe, and be patent to the Lieges, that thence Advertiſements may be given to all parties having intereſt; and for ſhewing whereof, the Keeper of the Books ſhall exact or take no money or gratification.

3. That the Keeper of the Books of Enrollment for the Outer-houſe, take out of theſe Books, and affix each Monday upon the ordinary place of the Wall of the Outer-houſe, two Rolls, one containing Suſpenſions, Advocations, Removings, Ejections and Recent-ſpuilzies, to be called upon Tueſday and Wedneſday; And the other Roll containing the Cauſes inſert in the other Book of Enrollment, to be called upon the reſt of the dayes of the week; which Rolls are to be taken up in all things conform to the ſaid Books of Enrollment, expreſſing the day of up-taking; and that the day of the moneth of the ſeveral Returns, be ſet before the Proceſſes inſert each day, and each ſubſequent weeks Roll ſhall, in the firſt place, contain what remained undiſcuſs'd by an Act, Decreet, or Proteſtation, or not delet by the Ordinary, upon the Purſuers not inſiſting. And where Proceſſes are delayed to a day, till the Parties ſee, or ſomething be produced or done, which requires not an extracted Act, the ſame ſhall remain in all ſubſequent Rolls, in the ſame day that it was in the firſt Roll, that after the day to which it was delayed, it may be called by the Ordinary till it be diſcuſs'd or delet: And for that effect, the Ordinary ſhall on the Margent of the Roll, mark at that Proceſs, to what day it is delayed, which ſhall remain ſo marked in the ſubſequent Rolls, till the Cauſe be diſcuſſed. And in caſe the Ordinary ſhall diſcuſſe the Roll of the Cauſes above-expreſt, appointed to be called upon Tueſday or Wedneſday before theſe two dayes expire; he is to proceed to the diſcuſſing of the Cauſes in the other Roll.

4. That the Keeper of the ſaid Books of Enrollment for the Outer-houſe, do exactly and punctually obſerve the Rules and Orders aforeſaid, and that the perſon who ſhall hereafter be appointed Keeper of the ſaids Books, give his oath for that effect, (the preſent Keeper of theſe Books having already made faith to that purpoſe) and if he tranſgreſs the ſaids Rules, the Lords ſhall deprive him of his Office, and otherwayes puniſh him as they ſee cauſe, and appoint another in his place, who, and his Succeſſors, ſhall alwayes be lyable for obſerving the premiſſes.

5. That in like manner there be a Book of Enrollment of Proceſſes to be diſcuſs'd In the Inner-houſe, containing Cauſes proper for the Inner-houſe; as the diſcuſſing of reaſons of Reduction of Heretable Rights of Lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs deſtroyed or loſt, *Ceſſiones bonorum*, which Book ſhall be keept by a perſon appointed, or to be appointed by the Lord Chancellor, who ſhall inſert the ſaids Proceſſes as they are in readineſs to be diſcuſs'd in the Inner-houſe, *viz.* Reductions after the Production is cloſed, and Declarators, Tenors and *Ceſſiones bonorum*, after the Dilators are diſcuſſed in the Outer-houſe, and a great *aviſandum* made by the Ordinary in the Outer-houſe, who is to proceed no further therein; and that according to the date of that great *aviſandum*, as it ſtands writren upon the Proceſs by the Clerk of the Proceſs: And where the Lords, upon report of Diſpute from the Outer-houſe made by the Ordinary, ſhall for the importance, intricacy, or preparative of the points reported, ordain the Cauſe to be heard in preſence of the whole Lords, the ſaid Proceſs ſhall be inſert in the Roll of the Inner-houſe, according to the date of the Lords deliverance, appointing it to be heard in their preſence.

6. That there be a Book of Enrollment of concluded Cauſes, whereof the probation is to be adviſed by the Lords, to be inſert according to the date of the concluſion of the Cauſe, as the ſame ſhall be preſented by the Clerks of the Proceſs, to be keept by the Keeper of the ſaid Book of Enrollment for the Inner-houſe.

7. That the Keeper of the ſaids Books of Enrollment for the Inner-houſe, ſhall attend in the Seſſion-houſe each Saturday from two to three a clock in the afternoon, and ſhall receive and inſert all Proceſſes which ſhall be offered to him in either of the ſaids Books, according to the order foreſaid; and ſhall receive thirty ſhillings Scots for each Proceſs to be inſert in the Book of Cauſes to be diſcuſs'd, and twelve ſhillings for each Cauſe to be inſert in the Book of concluded Cauſes, and ſhall exact or take no more for himſelf or his ſervants; and ſhall make the ſaids Books patent to all the Lieges freely, and ſhall affix a Roll both of Proceſſes to be diſcuſs'd in the Inner-houſe, and of concluded Cauſes, in all things conform to the Books, upon Monday, als oft as need beis; and ſhall add to the Cauſes in the ſaid Roll for ſubſequent weeks, in the ſame manner as is appointed for the Rolls of the Outer-houſe, and both in the Books and Rolls ſhall expreſs the day of up-taking the Proceſs, and the day of the great *aviſandum* or Ordinance of the Lords for hearing the Cauſe in their preſence, ſubjoyning thereto the Cauſes each day, both in the Books and Rolls of Cauſes to be diſcuſs'd, and the like for the Book and Roll of concluded Cauſes; according to the date of the concluſion of the Cauſe.

8. That the keeper of the ſaids Books of Enrolment for the Inner-houſe obſerve the premiſſes punctually, under the pain of deprivation, and being further cenſured by the Lords, as they ſhall ſee cauſe: And that his Succeſſors ſhall make faith to obſerve the premiſſes in all points; the preſent Keeper of theſe Books having already given his oath to that effect.

9. That the Lords both in the Inner-houſe and Outer-houſe ſhall proceed to the diſcuſſing of Proceſſes, in order as they ſtand in the ſaid Rols *reſpective*, without paſſing over, or anticipating any Cauſe; and that each Proceſs ſhall be ſtill called in its order, untill it be brought to an Act, Proteſtation, or Decreet; and if it be delayed till ſomething be produced or done which requires not an Act extracted, that after the day to which it is delayed, the ſame ſhall be call'd till it be diſcuſs'd.

10. And where at the calling of any Cauſe in the Inner or Outer-houſe, the Purſuer inſiſts not, the Proceſs ſhall be delet out of the Roll, and Proteſtation ſhall be granted to the Defender, without any other ſolemnity, but the demanding thereof at the calling of the Cauſe, whereby the Defender ſhall not be oblidged to anſwer untill he be ſummoned of new, and the Proteſtation money paid, that he be not oblieged to an uncertain attendance at the Purſuers pleaſure. And in caſe at the calling of any Proceſs in the Outer-houſe, any Parties Advocat be in the Inner-houſe, the Ordinary ſhall call the Cauſe the next day thereafter, if he be deſired upon a Ticket to be given to him before he go to the Bench; but that no Advocat make interruption by calling otherwayes over the Bar.

11. That the Lords by no importunity alter the order of the ſaids Rolls by any Deliverance or Warrand, except it be for diſcuſſing reaſons of Reduction of ſmall difficulty and importance in the Outer-houſe, before they be Enrolled in the Inner-houſe, which ſhall be Enrolled in the Roll of the Outer-houſe, according as they ſhall be preſented to the Keeper of the Roll, in the ſame manner as other Proceſſes.

12. That if any Cauſe be called by anticipation, out of its due place, the Purſuers Advocat may refuſe to inſiſt, or the Defenders Advocat to anſwer, and it ſhall be a ſufficient defence that he is not oblieged to anſwer before its due courſe in the Roll: And although neither parties Advocat ſhould object, ſeeing others who were anterior in the Roll are prejudged, the Clerks are prohibit to write on any ſuch Proceſs called out of its own courſe, or to extract any Act or Decreet thereupon.

13. That the Lords of Seſſion every Seſſion, go near the diſcuſſing of all Cauſes enrolled that Seſſion; and that as they ſee their work by the Books of Enrollment, they meet the ſooner in the morning, and alſo meet in the afternoon for taking in Reports from the Outer-houſe, which requires not the attendance of Advocats, and which conſumes much of the time both in the Inner and Outer-houſe in the forernoon; and alſo for adviſing of concluded Cauſes, which of all other ſhould be leaſt delayed.

14. That if any Act, Decreet or Proteſtation be ſtopped, either by the Ordinary or by the whole Lords, the ſame ſhall be called and heard upon the Bench in the Outer-houſe, by the Ordinar who formerly heard the Cauſe, either the next day, or upon Tueſday in the enſuing week, or any other morning thereafter, before the Ordinary in the Outer-houſe come out; and that he proceed in the Proceſſes untill the ſame be diſcuſs'd, delet, or Proteſtation ganted in manner foreſaid, and that the ſame ſhall not be again brought into the Roll.

15. That no Bill be preſented to the Lords for ſtopping or rectifying any Act or Decreet paſt in the Outer-houſe, untill the party firſt make application to the Ordinary who heard and pronounced the ſame; and if he refuſe to hear the Party upon any new matter condeſcended on, or in caſe of doubtfulneſſe, to report at leaſt upon conſignation of an Amaund: In that caſe, the Party may give in a Bill to the Lords, expreſſing his application to the Ordinar, and his refuſal to hear or report, as ſaid is, and expreſſing the ſpecial matter which he deſireth in the Proceſs, and no otherwayes.

16. To the effect, the Lords of Seſſion may be in better capacity to diſcuſs the Proceſſes which come before them, not being overburdened with ſmall and inconſiderable Cauſes, That all Cauſes, not exceeding the value of two hundred Marks *Scots*, be in the firſt inſtance carried on before the inferiour Judges; And that no Summons be raiſed upon Bill, or otherwayes for Cauſes of leſs importance, for which the Clerk of the Bills and Writers to the Signet are to be anſwerable at their peril; except there be ſuch reaſons condeſcended on in the Bill, as would be ſufficient to procure an Advocation of the Cauſe from the inferior Judge, in behalf of a Defender, and competent Inſtructions thereof; And that ſuch Bills do not paſs of courſe, but be ſpecially preſented and read to the Ordinary, and that the deliverance on the back thereof bear, *Becauſe the Lords have found ſufficient ground, for which the Cauſe ought not in the firſt inſtance to be purſued before the inferior Iudge Ordinar, but before the* Lords: Excepting alſo, the Cauſes belonging to the Members of the Colledge of Juſtice, and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by ſuch as dwell not within the Shire where the Furniture was taken off.

17. That where Cauſes are begun before inferior Courts, no Advocation thereof ſhall be paſt, being of no greater importance then as aforeſaid, otherwayes then is provided by the Act of Parliament; And that the Clerk of the Bills be anſwerable therefore, not to preſent, paſs or write on any ſuch Bill at his peril.

18. That where Decreets are paſt before inferior Courts, and craved to be ſuſpended; if the reaſons proceed not on iniquity, but upon alledgeance, that the Decreet was in abſence, ſo that the craver of the Suſpenſion hath never appeared, or hath not continued to defend while there was no in-juſtice done: Then

and

and in that caſe, he ſhall be oblieged at the paſſing of the Bill of Suſpenſion, to conſign in the hands of the Clerk of the Bills, ſuch ſums for the expences of the party, as the paſſer of the Bill ſhall appoint, according to the importance of the Cauſe and the diſtance of the party, which ſhall be given up to the Charger, if the Suſpender hath not compeared, or continued to defend before the interior Court, as ſaid is; and that immediatly at the calling of the Cauſe to be diſcuſs'd, when the compearance in the Decreet may appear, unleſs the Suſpender improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, *in foro contradictorio*, before the Lords of Seſſion be not again ſuſpended, upon reaſons competent to have been proponed, or which were repelled in the former Decreet. And to the effect it may be known, with the leaſt expence, what Decreets are *in foro*, That the Keeper of the Minute-book make up a Book of the Decreets *in foro*, according as the ſame ſhall each day be given in to him by the Clerks, expreſſing the names of all the Defenders for whom there is compearance; And that the Clerk of the Bills from time to time, call for and receive a double of the ſaid Minute-book of Decreets *in foro*; And when any Bill of Suſpenſion is to be preſented by him, that at his peril he write on no Suſpenſion of any Decreet *in foro*, contained in the ſaid Book, untill it be preſented to the whole Lords in time of Seſſion, and to three met together in time of Vacance, the deliverance bearing, that they were met together. And where there is once compearance for any Party, and Defences proponed, the Decreet ſhall be holden as done *in foro*, and all the Diſpute proponed by the Advocats ſhall be inſert therein, albeit the Advocat thereafter paſt from his compearance; And that the firſt Proteſtation ſhall not be ſuſpended, but upon conſignation of thirty pounds, and the Suſpenſion thereof ſhall bear that it is the ſecond Suſpenſion; and ſo forth, all the Suſpenſions that ſhall be obtained thereafter, ſhall bear that the ſame is the third or fourth Suſpenſion; and that no Suſpenſion ſhall paſs of the ſecond proteſtation, but in preſence of the whole Lords in time of Seſſion, and by three of the Lords met together in time of Vacance, the deliverance bearing as aforeſaid: And that the Clerk of the Bills write upon no Bill of Suſpenſion otherwayes, as he will be anſwerable at his peril, and that the ſecond and poſterior Proteſtations ſhall be inſert in the ſaid Book, with the ſaids Decreets *in foro*.

20. That where Proceſſes are keeped up unreturned by the Defenders Advocat longer then ſix dayes after the out-giving thereof, which is the time allowed for ſeeing of Proceſſes, that upon complaint given unto the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Proceſs, and fine him in three pounds *Scots* for ilk day he hath keept the ſame, from the time that the Proceſs was required from the Advocat, or his principal ſervant, perſonally at the Advocats Chamber, by way of Inſtrument under a Nottars hand, unto the day that the complaint was given in, and ſix pounds for every day that the Proceſs ſhall be detained by him, after in-giving of the complaint: And that one of the Macers be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warranted to exclude the Advocat out of the Houſe, and not to ſuffer him to enter the Outer-bar, untill he make payment, and that he return the money ſo exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the poors Box, and the other half to be payed to the party Purſuer, if he deſire the ſame, otherwiſe that the whole be put in the Box.

21. But when there are moe Defenders then one called in a Proceſs, and ſeveral Advocats compearing for them, that the Advocat who taketh up the Proceſs to ſee for the party principally concerned, in whoſe houſe the ſame is appointed to be ſeen, ſhall be allowed only four dayes for ſeeing the Proceſs; and in caſe he do not return the ſame within that time, that he incur the penalties contained in the former Artickle: And that after the Proceſs ſhall be returned, the ſame ſhall remain in the Clerks hands ſix dayes before it be called, during which time, any Advocat compearing for any other of the Defenders, may ſee the Proceſs in the Clerks hands, and write thereupon for whom he compears, and ſubſcribe the ſame, and may alſo borrow the ſame up from the Clerk, for the ſpace of twenty four hours, upon his receipt and conſignation of an Amaund, according to the importance of the Cauſe; and in caſe he do not reproduce the Proceſs within the ſaid ſpace of twenty four hours, upon complaint made thereof, he is to loſe the Amaund, and pay ſix pounds for ilk day he keeps the Proceſs after the ſaid ſpace of twenty four hours, and the like execution to be uſed therefore, as in the former caſe of the Defenders Advocats not returning Proceſſes, given out to them by the Purſuers Advocats. And Likewayes, if any Advocat during the ſaid ſpace of ſix dayes, be deſirous to ſee the Proceſs for any other party having intereſt, who was not called in the Proceſs, that upon production of the parties intereſt in the Clerks hands, he be allowed to ſee in manner foreſaid, he alwayes conſigning and ſubſcribing for whom he compears: And in caſe of failzie to reproduce, being lyable as ſaid is, and that the Advocat ſhall not be heard when the Cauſe is called, if he hath neglected to ſee in manner foreſaid, whither he be compearing for any party called in the Proceſs, or compearing for his intereſt.

22. In reſpect it is a great obſtruction to the diſpatch of Proceſſes, that when Cauſes are called, Defences ſometimes are proponed upon Writs, which being neither produced nor ſeen by the purſuers Advocats, all that is ordinarly done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Proceſs, he alſo produce therewith the Writs whereupon he intends to found any alledgeance, and give in the Defence which he founds upon theſe Writs, and mark the particular clauſes of the Writ whereupon he founds, otherwiſe no reſpect is to be had to the al-

ledgeance to be founded on theſe Writs, which were in any of the Defenders Advocats hands, or which, or any copy thereof were ſeen by the ſaids Advocats, which the purſuers Advocats ſhall be oblieged to return within four dayes after they receive the ſame; otherwiſe, complaint may be made againſt them, as againſt Defenders Advocats for keeping up of Proceſſes. And in caſe any other Writs come to their hands, after the returning of the Proceſs upon which they will found, that in like manner they produce the ſame to the Purſuers Advocats, before calling of the Cauſe, under the ſame certification.

23. That the Suſpender at the out-giving of the Suſpenſion, produce therewith all his Verifications, and that at the calling of the Cauſe, if he have keeped up the Verifications, and offer then to produce the ſame, that the Ordinary ſhall give Decreet, becauſe the reaſons are not verified conditionally; That if with the Verifications, the Suſpender produce in the Clerks hands twelve pounds *Scots*, two parts thereof to be payed to the Charger, and the third part to the Poor, the ſame ſhall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary ſhall mark upon the Cauſe, *Decreet conditional*, to ſuch a day: and if betwixt and the ſaid day, obedience be not given, the Decreet is to be extracted.

24. That the Suſpenders Advocat be not allowed to propone any new reaſons of Suſpenſion at the Bar, which was neither lybelled nor contained in the eiked Reaſons of Suſpenſion given out to, and ſeen by, the Chargers Advocats, unleſſe therewith they conſign in manner foreſaid.

25. That becauſe Proceſſes are very much lengthned, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; For remeid whereof in time coming, there ſhall only be two diligences againſt Witneſſes, one by Horning, and another by Caption; and there ſhall be no incident Diligence ſuſtained upon Acts, but where the ſame is craved and allowed at the pronouncing of the Act, and expreſſed therein, which ſhall proceed againſt the alleadged havers of the Writs, firſt by Horning, charging them to compear and produce upon oath, and next by Caption, in caſe they do not compear and depone; and that there be only one term for production in ſingle Reductions, and two in Improbations: And that the Clerks inſert no Reſervations in Acts for Production, but that all exceptions competent before production, be diſcuſſed before aſſigning of terms.

26. That no more Advocats be imployed or marked in any Cauſe for a Party, but only three in the Inner-houſe, and three in the Outer-houſe at moſt; and that only two be allowed in the Inner-houſe, to ſpeak one after another upon one ſide, before the other Party make an anſwer; And that the Lord Chancellor or Preſident keep the Advocats cloſs to the point, and that no Advocat be allowed to ſpeak above half an hour together at moſt, at one time.

27. That the Allowance of Advocats in time coming, be regulate according to the quality of the perſons who employes them, in manner following, *viz.* that for every Conſultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent altogether, there be given at moſt to any Advocat, by Noblemen eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgeſſes twelve pounds, and by all the reſt of the people nine pounds: And that nothing be allowed for drawing Informations to be given to the Lords after Diſpute, but to one Advocat only, and that the Allowance therefore be only the half of what is allowed for the Conſultation.

28. That the parties Purſuer and Defender do give in with the Proceſs, a Declaration under their hands, bearing, That as they ſhall anſwer to God, they have not given, nor ſhall give any more to any Advocat employed by them in that Proceſs, for every Conſultation comprehending as aforeſaid, then the foreſaid Allowance; which Declaration is to be given in by the Defender at the return of the Proceſs, and by the Purſuer before the Proceſs be called. And in caſe of the Clients Minority, his Tutors or Curators, and in caſe of his abſence, or that he hath employed another to disburſe the money for him, the perſon ſo employed ſhall give in the foreſaid Declaration upon Oath, which ſhall bear, That he being the only perſon employed to disburſe money to Advocats in that Proceſs, he hath not given, nor ſhall give any more then as aforeſaid. And in regard theſe who are already admitted Advocats have given their oaths, that they ſhall alwayes obſerve the ſaids Rates, that no Advocat be admitted hereafter till they give that Oath.

29. And becauſe by the Act of Parliament, one thouſand, ſix hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Seſſion, in *anno*, one thouſand, ſix hundred, and ſix, the effect whereof hath been fruſtrate, becauſe nothing thereby is provided to Clerks Servants: And in reſpect the rates of all things are much encreaſed ſince that time; Therefore, that the rates of the Clerks of Seſſion be as followeth, *viz.* For Acts, Decreets, Proteſtations and Diligences, there ſhall be only payed to the Clerk and his Servants, three pounds *Scots* for each ſheet, written in the ſame manner as they are now accuſtomed, conforme to a Pattern ſigned by this Commiſſion, and keept by the Lords of Seſſion, excepting Decreets of Tranſumpt, Transferring, and of Regiſtration by way of Action, and Commiſſions wherein there is no diſpute, for which there ſhall be payed three pounds *Scots* only for the firſt ſheet, and twenty ſhillings *Scots* for ilk one of the reſt of the ſheets. And as to other Writs paſſing that Office, the ſame rates be obſerved which are contained in the ſaid Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the ſame again, minuting of Diſputes, or booking of Acts and Decreets, all which ſhall be payed by the ſaids Extracts, but that there be allowed to them two merks for taking a Parties Oath, and one merk for every Witneſſes depoſition, and

thirty

thirty ſhillings *Scots* for calling of every Act in preſence of the Ordinary. And that the Clerks or their Servants do not mark upon any Proceſs, Calling, or Compearance, or the calling of any Act, but what was publickly done by a Macer, that the Advocats may have timeous notice to ſatisfie the concluſion of Acts. And that no Decreets be pronounced conditionaly, but ſimply, according to the Act to be extracted twenty four hours after the ſame is read in the Minute-book; and that every *Sederunt* day, the Minute-book be read out fully, that the Lieges be not delayed or neceſſitate to attend. And that the Clients ſhall in the ſame manner, as in relation to Advocats allowance, give their Oaths that they have keeped, and ſhall keep the ſaids Rates, which ſhall be contained in a Paper, with their Declaration in relation to Advocats. And ſeeing the preſent Clerks and their Servants have given their Oaths, that they ſhall alwayes obſerve the ſaids Rules and Rates, that no Clerk be admitted hereafter, till he give that Oath; excepting Acts and Decreets of contentions diſpute in preſence of the Lords, which are to be at the diſcretion of the Party, conform to the Act of Parliament. And in regard diverſe Proceſſes after diſpute and Interloquitors pronounced therein, either in *preſentia*, or in the Outer-houſe, are tranſacted and ſettled by the Parties, ſo that the Proceſſes come not the length of a Decreet, or if Decreet be pronounced, the ſame is not extracted: And it being juſt and reaſonable, that the Clerks ſhould have allowance for the pains taken by them in theſe Proceſſes; therefore, that the Clerks in theſe caſes be allowed to take from their Clients, ſatisfaction as if Decreets were extracted, according to the ſheets of the Act of *Litiſ-conteſtation*, or other Act in the Proceſs; or if their be no Act, according to the ſheets of the Summons, Suſpenſion or Advocation; and if the Cauſe was diſpute in the Inner-houſe, according to the ſheets the Minutes of the Proceſſes would amount to, if the ſame were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the ſaid Act of Parliament, one thouſand, ſix hundred, and twenty one, be in all points obſerved, with this alteration, That whereas that which is allowed by the ſaid Act for the Acts of Caution, with the relief which comprehends the Bills of Suſpenſion, is too low for the Clerk and his Servants, That there be allowed to the ſaid Clerk and his Servants therefore, three pounds and a merk *Scots* and no more; And ſeeing the preſent Clerk of the Bills and his Servants, have made faith that they ſhall obſerve the ſaids Rates, that any Clerk of the Bills who ſhall be admitted hereafter, ſhall at his admiſſion give that Oath, and likewiſe his Servants: And in caſe there be moe perſons contained in the ſaids Bills of Suſpenſion then one, that every ſuch perſon, except the chief perſon, ſhall pay ſix ſhillings eight pennies, untill they come the length of ten perſons, and no allowance is to be granted to any exceeding that number, nor for a Community more then the ſaid number of ten: And for Relaxationes, ſix ſhillings eight pennies for every perſon more then one, untill they come to the number of ten perſons, and no more to be taken for any greater number or Community, which dues ſhall be payed at the firſt in-giving of the Bill of Suſpenſion, and ſhall be retained by the Clerk, whether the Bill be paſt or not, and no more to be given for that Bill, or for any new Bill which ſhall be given in, in that matter. And as for the allowance of Compriſings, that the rate thereof be fourty ſhillings *Scots*, where the ſums contained in the Compriſings (by and attour the Sheriff-fee) do not exceed two thouſand pounds *Scots*; And if the ſums compriſed for be above two thouſand pounds, that there be payed four pounds *Scots*; and that this be in ſatisfaction of all that is to be given in that Office, both for Maſter and Servants.

31. In reſpect ſeveral perſons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to medle and negotiate in Proceſſes, who are found to be of no uſe, but burdenſome to the Lieges; That hereafter all the Agents be debarred the Houſe, and not permitted to negotiate, or mannage Proceſſes; and recomends to the Lords of Seſſion to ſee the ſame punctually obſerved.

32. That the Keepers of the General Regiſters of Hornings and Inhibitions, and of Seaſings and Reverſions; As alſo, the Keepers of theſe Regiſters in the ſeveral Shires, in time coming, be careful to book all Hornings, Inhibitions, Interdictions, Seaſings, Reverſions, and others regiſtrat by them; And that they make exact Minute-books relating to theſe Regiſters, theſe of Hornings, Inhibitions, and Interdictions, containing the names, Sirnames and Deſignations of the Parties, Principal and Cautioners; And theſe of Seaſings, Reverſions and others appointed by the Act of Parliament to be Regiſtrat in that Regiſter, containing the Names and Deſignations of the Parties, and the common Deſignation of the Lordſhip, Barrony or Tennendry of the ſeveral Lands mentioned in the Writ; And that the Clerk of Regiſter, or any whom he ſhall appoint, every quarter of the year, compare the Minute-book with the general Regiſters, and ſubſcribe the Minute-books at the collationing of the ſame; And in the ſeveral Shires, that the Sheriff, Bailiff of the Regality or Royality, or their Deputies (with whom, any two of the Juſtices of Peace to be nominate by the whole Meeting, are allowed to be preſent) be appointed quarterly, *viz.* upon the firſt Tueſdayes of *February*, *May*, *Auguſt* and *November*, to call for, and take inſpection of, the ſaids Regiſters, and of the Minute-books relating thereto; and after collationing of the ſame, that they with the ſaids two Juſtices of Peace, if they be preſent, ſubſcribe the Minute-book: Certifying the ſaids Sheriffs and Bailiffs, if they do not meet and compare the ſaids Regiſters at the ſeveral times above-ſpecified, They ſhall be lyable in the penalty of One Hundred pounds *Scots* for ilk failzie; and Certifying the Clerks, if they ſhall not have the Books in readineſſe at the aforeſaids times, or if any Hornings, Inhibitions

Seaſings,

Seaſings, Reverſions, and others foreſaids then in their hands, ſhall not be regiſtrat in the Books, they ſhall incurr the pain of deprivation, and be lyable in payment of the parties damnage: And that the Clerks, keepers of the ſaids Regiſters; book all Hornings, Inhibitions, Interdictions, Seaſings, Reverſions, and others which now are in their hands, for the ſpace of fourty years by-gone, and have exact Minute-books relating thereto, in manner foreſaid, within the ſpace following, *viz.* The keepers of the general Regiſters betwixt and the firſt of *June*, 1674. and the Keepers of the particular Regiſters in the ſeveral Shires, betwixt and the firſt of *June*, 1673. And that all Hornings and Inhibitions, regiſtrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600. under the pains aforeſaid; And that in the *interim*, betwixt the collationing of the Books, the Clerks ſhall be oblieged to keep a privat Minute-book for their own uſe, wherein they are to inſert a Note of all Hornings, Inhibitions, Interdictions, Seaſings and Reverſions, as they are given in to be regiſtrat: And in caſe any be omitted out of that Minute-book, they ſhall incur the pain of deprivation, and be lyable to pay the parties damnage. Whilk Minute-books *reſpective* foreſaids, as well for the ſpace of fourty years by-gone, as in time coming, the Clerk ſhall be oblieged to make patent to all His Majeſties Lieges, whenſoever they ſhall deſire to ſee the ſame, upon payment of the dues following, *viz.* Thirty ſhillings *Scots* for inſpection of the minute-book of the general Regiſter of Seaſings and Reverſions, and twenty ſhillings *Scots* for that of the general Regiſter of Inhibitions; and for that of the general Regiſter of Hornings, twelve ſhillings *Scots*; And for inſpection of the Minute-book of the particular Regiſter of Seaſings and Reverſions in the ſeveral Shires, twelve ſhillings *Scots*; And for that of Hornings and Inhibitions, ſix ſhillings and eight pennies *Scots* money. And it is hereby Declared, that the care of ſeeing the premiſſes done and performed, after the expiring of this Commiſſion, is committed to the Lords of Seſſion.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth, *viz.* For Bonds, Aſſignations, Tranſlations, Diſcharges, Tacks and other Writs of that nature, and likewayes for Summons and all Letters that paſs the Signet, there be allowed only eighteen ſhillings *Scots* for the firſt ſheet, and twelve ſhillings *Scots* for ilk an of the reſt of the ſheets; Excepting Suſpenſions and Advocations, for the firſt ſheet whereof they ſhall have fourty ſhillings *Scots*, and two Merks *Scots* for ilk ſheet more: And where Summons are blank in any part thereof, that the ſame be only payed for, according to the ſheets which are written and filled up. And as for Contracts, Diſpoſitions, and other ſecurities of Lands, Annual-rents or other heretable Rights, Chartors, Signatoures, Precepts in Latine, and other Writs of that nature, and likewiſe for Compriſings and Services, there ſhall be only payed three pounds *Scots* for the firſt ſheet thereof, and thirty ſhillings *Scots* for each of the reſt of the ſheets, the ſame being alwayes written, conform to a patern to be ſigned by the Lords of Seſſion; And that no diſtinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raiſed, or for claimes whereupon Services or Compriſings do proceed, or for Scrolls of any of the ſaids Writs; Which rates or prices aforeſaid ſhall be in ſatisfaction of all that is to be given, both to Maſter and Servants: And where Bonds, Aſignations, Tranſlations, Diſcharges, Contracts, Diſpoſitions, and other ſecurities aforeſaid, are drawn or written by any perſons who uſe to write for payment, not being Writers to the Signet, that there be payed to them only two parts of the rates allowed to Writers to the Signet, in manner foreſaid. And that all Writers to the Signet, and others reſiding within the Town of *Edinburgh*, who uſe to write for payment, ſhall compear before the Lords of Seſſion betwixt and the firſt of *December* next, and give their oaths that they ſhall obſerve the ſaid rates; and that theſe who reſide in any other place of the Kingdom, ſhall betwixt and the ſaid day, take the foreſaid Oath, in preſence of the Sheriff of the Shire or his Depute, or other ordinar Magiſtrat of the place; or in caſe they dwell within a Burgh Royal, before the Magiſtrats of the Burgh; and the Writers to the Signet and other perſons aforeſaid, are hereby diſcharged to form or write Writs of any kind, after the ſaid firſt of *Decemb.* next, unleſs they take the ſaid Oath, under the pain of deprivation, and ſuch other puniſhment as the Lords of Seſſion, or the ordinary Magiſtrats of the place *reſpective* ſhall think fit to inflict. And it is hereby Declared, that it ſhall not be lawful to any perſon, to be Clerks to the deducing of Compriſings which are led by Diſpenſation within the Town of *Edinburgh*, or to Services led before the Macers, except they be Writers to the Signet.

Concerning the JUSTICE-COURT.

SEeing Cauſes Criminal are of the greateſt importance, and may extend to the Lives and Liberties of any of His Majeſties Subjects, and their perſons and Fortunes: and ſeeing the puniſhment of Crimes is of the greateſt conſequence for the ſafety and ſecurity of his Majeſties perſon and Authority, and the Peace and Quietneſſe of the Kingdom; and therefore, matters Criminal ought to be determined in the moſt ſolemn, exact and regular way, that the Loyal and Innocent may be in full ſecurity, and Offenders may be puniſhed either in the moſt publick places of the Kingdom, or in the places where the Crimes have been committed, to terrifie others from the like: That whereas formerly aſſeſſors from time to time were appointed to the Juſtice-General, in matters of importance, which being ambulatory, cannot be ſo convenient, as if all the

the Members of that Court were ſettled and choſen by His Majeſty of fit perſons, who might make it their work to make a juſt and conſtant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Juſtice-Court be ſuppreſs'd, and that five of the Lords of Seſſion be joyned to the Juſtice-General and Juſtice-Clerk, and all of them inveſted with the ſame and equal Power and Juriſdiction in all Criminal Cauſes; That the Juſtice-General being preſent preſide, and in his abſence the Juſtice-Clerk, and in abſence of both, that theſe preſent elect one of their number to preſide, four of the whole number being alwayes the *Quorum* of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Seſſion, and oftner if buſineſſe ſo require.

3. That the perſons to paſs upon Aſſizes be liſted, and their Names and Deſignations inſert in an Roll to be ſigned by the ſaid Judges or their *Quorum*.

4. That for the ſplendour of that Court, all the Judges ſit in red Robes faced with white, that of the Juſtice-Generals being lined with Ermine, for diſtinction from the reſt.

5. That once a year, in the Moneth of *April* or *May*, Circuit Courts be keeped, two of their number appointed to go and keep Courts at *Dumfries* and *Jedburgh*, two at *Stirling*, *Glaſgow* and *Air*, and other two at the Towns of *Perth*, *Aberdeen* and *Innerneſſe*; the Juſtice-General being alwayes ſuper-numerary in any of theſe Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regulat the inferior Officers thereof, and order every other thing concerning the ſaid Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Juſtice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Aſſize and Pannels have diſtinct places appointed to them.

8. That the Clerk of the Court, nor no other perſon, be preſent with the Aſſize after they are incloſed.

9. That the Chancellor of the Aſſize mark what way every individual perſon who is upon the Aſſize ſhall vote, whether condemning or aſſoilzeing, and that on the ſame Paper wherein the Verdict of Aſſize is written; which after the pronouncing of the Verdict, is to be cloſed and ſealed with the Seals of the Court, of the Chancellour of the Aſſize, and of ſo many moe of that number, as the Chancellor ſhall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who ſhall have the keeping of the ſaid Verdict, do make open the ſame without warrand, he ſhall be deprived of his Office, and otherwayes puniſhed as the Judges ſhall think fit.

10. That in all Criminal Purſutes, the Defender or his Advocats be alwayes the laſt ſpeaker, except in caſes of Treaſon and Rebellion againſt the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute againſt any Party, that at the ſame time, Liſts of the Witneſſes to be adduced for proving of the ſaid Libel and Summons, and of the perſons who are to paſs upon the Inqueſt, be alſo given to them; to the effect, the Party may know what to object againſt the ſaids Witneſſes and Aſſizers, and may take forth Diligences for ſummoning of Witneſſes for proving of their objections, why any contained in the ſaids Liſts ſhould not be admitted to be a Witneſſe, or upon the Aſſize.

Concerning the Exchequer.

THat there be payed to the Keepers of the Theſaurer Regiſter and his Servants, for regiſtration of Signatures fourty ſhillings Scots for the firſt ſheet, and twenty ſhillings Scots for each other ſheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for moe ſheets then the Signature conſiſteth of, and that they give their Oaths to that effect.

2. That there be payed to the preſenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to paſs the Great Seal, ſix pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to paſs the Privy Seal, only half a Crown. And that he make Faith to obſerve theſe Rates.

3. That no *Æques* be made in the Exchequer, by the Vaſſals of His Majeſties Property, for any Blenſh or Few-duties which are under the ſum of ten pounds Scots; But as to theſe, that Liſts of the Vaſſals and of the Blenſh and Few-duties payable by them, be ſubſcribed by the Commiſſioners of His Majeſties Theſaurary, and ſent to the Sheriffs of the ſeveral Shires, who, or their Deputes, ſhall charge the Vaſſals for payment of theſe Duties, and ſhall be countable for them to the Exchequer; And that upon payment by the Vaſſals of their ſaids Few and Blench-duties, the Sheriffs or their Deputes ſhall be oblieged to grant to them Diſcharges thereof, without any money or gratification to be given therefore, either to the Sheriff or his Servants, except a Merk Scots only.

4. That the preſent way of making the counts of Exchequer in Rolls, be altered, and that the ſame be made hereafter in Books of Parchment; That *Æques* be made yearly; And that for all the Lands contained in one Chartor, belonging to one Heretor, there be made but one *Æque*.

AND furder, His Majeſty Recommends to the Commiſſioners aforeſaid, that what by the ſhortneſſe of time is not yet determined, as to the Commiſſary-courts, Sheriff-courts, Town-courts, and all other Cowrts and Judicatories of the Kingdom, may be done with all conveniency, conform to his Majeſties Commiſſion granted to them; and that they return their Judgements thereof to His Majeſty, that He may give ſuch order therein, as He ſhall think fit.

XVII.

ACT againſt keepers of Conventicles, and with-drawers from Publick Worſhip.

Edinburgh, 4. of September, 1672.

FOraſmuch as the Act paſt by His Majeſty and Eſtates of Parliament, upon the 13. of *Auguſt*, 1670. againſt Conventicles, and the other Act paſt in the ſame Parliament upon the 20. day of the ſaid moneth of *Auguſt*, 1670. againſt ſeparation and with-drawing from the publick Meetings of Divine Worſhip, were appointed to endure only for the ſpace of three years, unleſs His Majeſty ſhould think fit to continue them longer. And his Majeſty conſidering, that theſe Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been ſo duely proſecute, as by the tennor of the ſame is preſcribed, and that therefore, the continuance thereof will be neceſſary for ſome longer time; Doth, with advice and conſent of his Eſtates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, againſt Conventicles and with-drawing from publick Meetings of Divine Worſhip, are and ſhall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the ſpace of three years, after the expiring of theſe three years above-mentioned, and longer as his Majeſty ſhall be pleaſed to appoint. Likeas, His Majeſty conſidering, that by the ſaid Act againſt Conventicles, it is Statute, that no outted Miniſter, not licenſed by His Majeſties Council, nor other perſon not authorized nor tollerat by the Biſhop of the Dioceſs, preſume to preach, expound Scripture, or pray in any Meeting, except in their own houſes, and to theſe of their own Family; And ſince there may be ſome queſtions and doubts, concerning the meaning and extent of that word *Pray*, His Majeſty doth, with advice foreſaid, Declare, That it is not to be underſtood, as if thereby Prayer in Families were diſcharged, by the perſons of the Family, and ſuch as ſhall be preſent, not exceeding the number of four perſons, beſides theſe of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Miniſter to pray in any Families, except in the Paroches where they be allowed to preach. And furder, His Majeſty with advice foreſaid, doth hereby alſo Authorize the Magiſtrats of the Royal-burroughs, to call before them all ſuch of their Burgeſſes, as ſhall be guilty of keeping Conventicles, and to proceed againſt them by fining and other wayes, as is at length expreſt in the ſaid Act; and that they make account and report of the fines to the Commiſſioners of His Majeſties Theſaury, and of their diligence to His Majeſties Council. And His Majeſty conſidering the ſlow progreſs hath been made, in putting theſe Acts in execution for the time bygone, Doth therefore, with advice foreſaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magiſtrats of Burroughs within their reſpective Juriſdictions, ſhall from henceforth be careful in putting theſe Acts to due execution, againſt keepers of Conventicles, and with-drawers from publick Worſhip, conform to the power and truſt committed to them thereby: And that they return an account of their proceedings to His Majeſties Council yearly, on the firſt Thurſday of *July*, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magiſtrats of Burgh, for each years failzie, in not giving an account of their diligence as ſaid is.

XVIII.

ACT for eſtabliſhing Correction-houſes for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

THe Kings Majeſty, conſidering the many good Laws and Statutes made by himſelf and his Royal Predeceſſors, for ſuppreſſing of Vagabonds, Beggars and Idle perſons, who are a great burden and reproach to the Kingdom, and for the moſt part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of ſuch perſons are dayly increaſing, who if they were ſet to work, and bred to Trades & callings, the people might not only be disburdened of them, but they might, in a ſhort time & upon far leſs expenſe, become uſeful and profitable for the whole Kingdom. And withall conſidering, that the effect of all theſe good Laws hath been fruſtrate, becauſe there hath been no place provided wherein ſuch poor people might be ſet to work, nor perſons appointed to have the charge and overſight of them: For remeid whereof, his Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes, and Ordains, that the Magiſtrats of the Burghs following, betwixt and the term of Whitſunday next, 1673. provide Correction-houſes for receiving and entertaining of the Beggars, Vagabonds and Idle perſons within their Burghs, and ſuch as ſhall be ſent to them

to them out of the Shires and Bounds after-ſpecified; and that they appoint Maſters and Overſeers of the ſame, who may ſet theſe poor perſons to work; *viz.* one Correction-houſe at the Burgh of *Edinburgh*, for theſe of the Town and Shire of *Edinburgh*; one at the Burgh of *Haddingtoun*, for thoſe of the Shire of *Haddingtoun*, one at *Dunſe* for the Shire of *Berwick*; one at *Jedburgh*, for the Shire of *Roxburgh*; one at the Burgh of *Selkirk*, for the Shire of *Selkirk*; one at the Burgh of *Peebles*, for the Shire of *Peebles*; one at *Glaſgow*, for the Shire of *Lanerk*; one at the Burgh of *Dumfreis*, for the Shire of *Dumfreis*; one at the Burgh of *Wigtoun*, for the Shire of *Wigtoun*; one at the Burgh of *Kirkcudbright*, for the Stewartry of *Kirkcudbright*; one at the Burgh of *Air*, for the Shire of *Air*; one at the Burgh of *Dumbartoun*, for the Shire of *Dumbartoun*; one at the Burgh of *Rotheſay*, for the Shire of *Bute*; one at *Paiſly*, for the Shire of *Renfrew*; one at *Sterling*, for the Shires of *Sterling* and *Clackmannan*: one at *Linlithgow*, for the Shire of *Linlithgow*; one at *Culroſs*, for theſe twelve Paroches in the Shire of *Perth*, belonging to the Presbytery of *Dumblane*; one at the Burgh of *Perth*, for the reſt of the Shire of *Perth*; one at *Montroſe*, for the Shire of *Kincairden*; one at the Burgh of *Aberdeen*, for the Shire thereof; one at *Innerneſſe*, for the Shires of *Innerneſſe*, *Roſs*, and *Cromarty*; one at the Burgh of *Elgin*, for the Shires of *Elgin* and *Nairn*; one at *Inverary*, for the Shire of *Argyl*; four in the Shire of *Fife*, *viz.* one at St. *Andrews*, one at *Coupar*, one at *Kirkaldy*, and one at *Dumfermling*, for the four ordinary Diviſions of that Shire; one at *Dundee* for the Shire of *Forfar*; one at the Burgh of *Bamff*, for the Shire of *Bamff*; one at the Burgh of *Dornoch*, for the Shire of *Sutherland*; one at the *Week*, for the Shire of *Caithneſſe*; and one at the Burgh of *Kirkwal*, for the Shire of *Orkney* and *Zetland*; each of which Houſes ſhall have a large Cloſs, ſufficiently incloſed for keeping in the ſaid poor people, that they be not neceſſitat to be alwayes within doors, to the hurt or hazard of their health. And in caſe the Magiſtrats of the ſaid Burghs, or any of them ſhall not provide and have in readineſſe, the ſaids Correction-houſes betwixt and the ſaid term of Whitſunday next, they ſhall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houſes be provided: Which penalties ſhall be payed to the Commiſſioners of Exciſe, in the reſpective Shires or Bounds from which the ſaids poor perſons ſhall be ſent, to the ſaids Correction-houſes: And the ſaids Commiſſioners are hereby warranted to raiſe Letters of Horning, and uſe other execution at their inſtance, againſt the Magiſtrats of the ſaids Burghs for payment of the penalties that ſhall be incurred by them, in manner foreſaid; which penalties ſhall be applyed by the ſaids Commiſſioners, for building or buying of houſes to the effect foreſaid: And in the mean time, untill the ſaids houſes be provided, the Magiſtrats of the ſaid Burghs are required to diſpoſe of theſe Beggars and poor People, who were either born within their reſpective Burghs, or have haunted therein the laſt three years, in ſome convenient places, ſo as they may not go begging on the Streets, or at houſes within the Town. And for the better enabling of the ſaids Burghs, to bear the charges and expences of the ſaids Correction-houſes, His Majeſty, with conſent of the ſaids Eſtates of Parliament, Statutes and Ordains, that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Seſſion of His Majeſties firſt Parliament, Intituled, *Act concerning Beggars and Vagabonds*, be applyed for the uſe of the ſaids Correction-houſes, whereby they ſhall have two ſhillings Scots for ilk poor perſon *per diem* that ſhall be ſent to them, and entertained and bred by them, for the firſt year; and twelve pennies Scots *per diem*, for the ſpace of three years thereafter, during which they ſhall entertain and educat them, together with the profit ariſing from the labour and work of the ſaids poor perſons, for ſeven years thereafter: Which Contributions are to be payed by the Paroches relieved of the ſaid Poor, in manner contained in the ſaid Act. And to the effect it may be known, what poor perſons are to be ſent to the ſaid Correction-houſes, and who are to be keeped and entertained by the Contributions at the Paroch-kirks for the Poor, the Miniſters of ilk Paroch, with ſome of the Elders, and in caſe of Vacancy of the Kirks, three or moe of the Elders are hereby ordered to take up an exact Liſt of all the poor perſons within their Paroches, by Name and Sir-name, condeſcending upon their age and condition, if they be able or unable to work, by reaſon of age, infirmity or diſeaſe, and where they were born, and in what Paroches they have moſt haunted during the laſt three years, preceeding the uptaking of theſe Liſts; intimation being alwayes made to the whole Heretors of the Paroch to be preſent, and to ſee the Liſts right taken up; and that the Heretors who, and the poſſeſſors of their Land, are to bear the burden of the maintainance of the poor perſons of each Paroch, or any of them who ſhall meet with the ſaids Miniſters and Elders, ſhall condeſcend upon ſuch as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be ſupplied by the Contributions at the Paroch-kirk: And if the ſame be not ſufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houſes of the Inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all reſort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptiſmes, Burials, or upon any other publick occaſion: And likewiſe, that ſuch of the ſaids poor perſons as are of age and capacity to work, be firſt offered to the Heretors or Inhabitants of each Paroch, that if they will accept any of them to become their Apprentices or Servants, they may receive them upon their obliegment to entertain and ſet to work the ſaids poor perſons, and to relieve the Paroch of them; For which cauſe, they ſhall have the benefit of their work untill they attain the age of thirty years, conform to the tenth Act of the twenty two Parliament of King *James* the ſixth, and that the reſt of the ſaids poor perſons be ſent to

the Correction-houſes, for whoſe entertainment, the ſaids Heretors ſhall cauſe collect the ſaids Contributions, and appoint a quarters allowance to be ſent along with them, with Cloathes upon them, to cover their nakedneſſe, and the ſaid allowance to be payed quarterly thereafter, by way of advance. With power alſo to the ſaids Commiſſioners of Exciſe in each Shire, quarterly to take an account of the diligence of theſe of each Paroch in performing of the premiſſes: And in caſe of their neglect, to appoint other perſons to make the ſaids Liſts, and Collectors to uplift the ſaids Allowances, and to bring them to Correction-houſes. And the Sheriffs their Officers, and Mayers and Conſtables are hereby required to concur and be aſſiſting to the carrying and delivering of the ſaids poor perſons to the Correction-houſes. And in caſe any Heretors ſhall find within their bounds, any other Vagabonds, Beggars or Idle perſons, not being in ſervice, nor having any viſible way or ſtock to entertain themſelves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to ſeize upon ſuch perſons, and to ſend them to the Correction-houſes; and to charge the Magiſtrats or Maſters of the ſaids houſes to receive them, without advance of any allowance: With power notwithſtanding to the ſaids Magiſtrates or Maſters, to charge the Heretors of the Paroches where theſe idle perſons were born, or have moſt haunted the laſt three years, for the allowance of ſuch of them as are not bred to work; And as to ſuch of them as can work, the Maſters ſhall have the benefit of their work for their meat. And His Majeſty, with advice foreſaid, doth impower and require the Maſters of the Correction-houſes to put and hold the ſaids poor people to work, as they ſhall ſee them moſt capable and fit; And in caſe of their diſobedience, to uſe all manner of ſeverity and correction, by wheeping or otherwayes, (excepting torture), and to detaine them within the ſaid Correction-houſe and Cloſs thereof; with this proviſion, that in caſe any of the ſaids poor perſons being received, ſhall be ſuffered to eſcape to burthen the Countrey of new, that the Magiſtrats ſhall be charged to recover and receive them again, without any allowance thereafter, during the ſaid ſpace of four years, under the pain of fourty pounds *Scots* for each perſon ſo eſcaping: With power alſo to them, to receive diſobedient ſervants, and to put them to work, and to correct them according to their demerits. Likeas His Majeſty, with advice foreſaid, Ordains Letters of Horning and other execution to paſs hereupon, at the inſtance of theſe who ſhall ſend the poor in manner foreſaid, againſt the Magiſtrats of Burghs for receiving the poor ſent to them, with the quarters allowance foreſaid: And likewiſe, Letters of Horning to be direct at the inſtance of the Maſters of the ſaids Correction-houſes, againſt theſe lyable in payment of the ſaid allowance for the poor, conform to the ſaid Act of Parliament, and that quarterly in manner foreſaid; and at the inſtance of the Collectors, to be named by the Heretors or Commiſſioners of Exciſe, againſt the Heretors and Inhabitants of the ſaids Paroches, conform to the ſaid Act of Parliament. It is alwayes hereby provided, that it ſhall be lawful to Coal-maſters, Salt-maſters, and others who have Manufactories in this Kingdom, to ſeiſe upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal heughs or other Manufactories, who are to have the ſame power of correcting them, and the benefit of their work, as the Maſters of the Correction-houſes. And furder, His Majeſty, with advice foreſaid, recommends and commits the execution of this preſent Act to His Privy Council, with power to them to appoint all means and wayes for making the ſame effectual; To whom the Commiſſioners of exciſe in the ſeveral Shires, are hereby Required to return an account of their diligence in the premiſſes, by ſome of their number the ſecond Council day in *November*, and the ſecond Council day in *June* yearly, under the pain of Fourty pounds *Scots* for every Commiſſioner of Exciſe, who ſhall be deficient in doing his part of the premiſſes.

XIX.

ACT Concerning Adjudications.

Edinburgh, 6. of September, 1672.

THe Kings Majeſty, conſidering how far Compriſings have deborded from the firſt deſign of the Legiſlators, who did never intend that opulent and great Eſtates ſhould be carryed away for inconſiderable ſums, nor that Meſſengers or ignorant perſons ſhould be Judges in matters of ſo great importance; And conſidering the great prejudice enſueing to Trade & Commerce, by the length of the legal Reverſion formerly granted, the Creditor not being able to command his money, and both Debitor and Creditor neglecting to uſe any policy & improvement of the Lands during the running of the the legal Reverſion; And that after expiring thereof, Compriſings have become the foundation of much fraud; the right thereof being ſometimes acquired by the appearand Heirs of the Debitor, who thereby ſecluded the lawful Creditors: And that by the ignorance of Nottars and Meſſengers, and many unneceſſar ſolemnities, oftimes Nullities have happened in Compriſings, and the ſame have alwayes been moſt expenſive by heaping of penalties and Sheriff-fees. And His Majeſty, being deſirous to ſecure equally the intereſt of Debitors and Creditors, Doth, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, that in place of Compriſings, the Lords of Seſſion, upon Proceſſes raiſed before them at the inſtance of any Creditor againſt his Debitor, Principal or Cautioner, ſhall Adjudge and Decern to the Creditor in ſatisfaction of his Debt, as the

as the ſame ſhall be decerned by the ſaids Lords, ſuch a part of the Debitors Eſtate, conſiſting in Lands and other Rights which were in uſe to be appriſed, as ſhall be worth the ſum principal and Annual-rent then reſtand to the Creditor, and a fift part more, in reſpect the Creditor wants the uſe of his money, and is neceſſitat to take Land for the ſame, beſides and attour the compoſition to the Superior, and expences of the Infeftment; Which Adjudication ſhall be made, according to the ſeveral rates of the Lands and other Rights in the places where the ſame do ly; And for that effect, Probation ſhall be taken by the ſaids Lords for the part of the Creditor, and likewiſe for the part of the Debitor (if he ſhall deſire the ſame) concerning the yearly Rent and value of the ſaids Lands and Rights, and what they have payed for five years by-gone, and what the ſame may pay, and the rates and prices at which ſuch Lands and Rights are uſually ſold in theſe places of the Kingdom where they ly; With Power to the ſaids Lords to determine what warrandice the Debitor ſhall be lyable in to the Creditor, of the Lands and Rights ſo adjudged as they ſhall find juſt: Upon which Decreet of Adjudication, it ſhall be lawful to the Creditor immediatly to enter to the poſſeſſion of the Lands or other Rights adjudged to him, and to intromet with the Mails and Duties thereof, in ſatisfaction of his Annual-rent during the not redemption, without being lyable to any reſtriction or action of Count and Reckoning. And in caſe there be adjudged Lands affected with Life rents, or any Caſuality or other Right not yeilding Rent during the running of the Legal after-ſpecified, the ſame ſhall be expreſt in the ſaid Decreet, together with that part of the ſum effeirand thereto; That in caſe of redemption, the Creditor may have his Annual-rent for that part of his ſum, for which he had no profit in manner foreſaid: Which Lands and other Rights adjudged as ſaid is, ſhall remain heretably and irredeemably with the Creditor, in caſe they be not redeemed within the ſpace of five years after the Decreet of Adjudication, by payment or conſignation of the ſums principal and Annual-rent, for which the Adjudication did proceed, the Compoſition payed to the Superior, and expences in obtaining Infeftment and Annual-rent of the ſame, in ſo far as is not ſatisfied by the Creditors poſſeſſion in manner foreſaid: And the Creditor being once in peaceable poſſeſſion of the ſaids Lands or Rights, conform to the Decreet of Adjudication, it ſhall not be lawful for him to uſe any further execution againſt his Debitor, except in the caſe of eviction upon the warrandice to be decerned by the ſaids Lords; But it ſhall be leiſum to the Creditor, to uſe all manner of execution againſt his Debitor Principal or Cautioner, by Horning, Caption, Arreaſtment or otherwiſe, untill he enter to the actual poſſeſſion of the Lands to be Adjudged in manner foreſaid. And it is hereby Statute and Ordained, that no Compriſings ſhall be led in time coming, of any Lands or other Rights, which are not already compriſed; But prejudice alwayes of any appriſings led before the date of this Act, or to be deduced of Lands or other Rights already appriſed, whereof the Legal is not expired, which are to have courſe conforme to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in caſe the Debitor ſhall abſtract the Writs and Evidents of the Lands and other Rights to be adjudged, and ſhall not produce a ſufficient Right thereof, and deliver the ſame, or Tranſumpts thereof to the Creditor as the Lords ſhall Judge neceſſary; and in caſe he ſhall not renounce the poſſeſſion of the Lands and other Rights to be adjudged, and ratifie the Decreet of Adjudication, to the effect the Creditor may enter thereto ſummarly, without any impediment, ſo that the Creditor may have a clear right and quiet poſſeſſion: Then and in that caſe, it ſhall be leiſom to the Creditor to adjudge all or any Right belonging to his Debitor, in the ſame manner as he might have appriſed the ſame, conform to the Act of Parliament, 1661. anent the payment of Debts betwixts Debitor and Creditor, in all points, under the Reverſion, and with the power competent to other Creditors expreſt in the ſaid Act. And it is hereby Declared, that neither the Superior, nor the Adjudger ſhall be prejudged by this Act, but that they ſhall be in the ſame caſe after citation in this Proceſs of Adjudication, as if Appriſing were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decreets of Adjudication above-mentioned ſhall be allowed by the Lords of *Seſſion*, as Appriſings now are; And the allowance ſhall be regiſtrat in the ſame manner, and under the ſame certification, with the allowances of Compriſings; To the effect, the ſame may be known, and that Creditors may not be diſappointed by Adjudging Lands already adjudged to others.

XX.

ACT for imploying Vacand Stipends for the Univerſities.

Edinburgh, 10. of September, 1672.

THe Kings Majeſty, conſidering the preſent condition of ſeveral Univerſities and Colledges within this Kingdom, and the mean and incompetent proviſion of the Maſters and Profeſſors thereof; and being deſirous to give all due encouragment to theſe Seminaries, that thereby able and fit perſons may be invited to accept of Functions within the ſame; Doth therefore, with advice & conſent of his Eſtates of Parliament, Statute & Ordain, that the Stipends and Benefices of Kirks that ſhall happen to Vaik for the ſpace of ſeven years, This preſent year, one thouſand, ſix hundred, and ſeventy two, being the firſt of the ſeven, and ſo forth to continue until the expiring of the ſeven years, ſhall be imployed for the uſe of the Univerſities

and Colledges in manner after-ſpecified, *viz.* The Vacancies within the Dioceſſes of *St. Andrews*, *Dumblain*, *Dunkeld*, *Brichin* and *Orknay*, for the Univerſities of *St. Andrews*, and the Vacancies within the Dioceſs of *Edinburgh*, for the Colledge of *Edinburgh*; and the Vacancies within the Dioceſſes of *Aberdeen*, *Murray*, *Roſs* and *Caithneſs*, for the Univerſities of *Aberdeen*; and the Vacancies within the Dioceſſes of *Glaſgow*, *Galloway* and the *Iſles* as follows, *viz.* The Vacancies of the Dioceſs of *Glaſgow* for this preſent year, one thouſand, ſix hundred, and ſeventy two, to be employed, the one half for the Univerſity of *St. Andrews*, and the other half for the Univerſity of *Glaſgow*; and the Vacancies of that Dioceſs for the ſix years enſuing, with the Vacancies of the ſaid two Dioceſſes of *Galloway* and the *Iſles* for the whole ſeven years above-mentioned, to be employed for the Univerſity of *Glaſgow*. And that this ſupply may prove the more effectual, The ſeveral Univerſities and Colledges are hereby warranted to name Collectors (for whoſe diligence and faithfulneſſe, they are to receive ſufficient Caution before they receive their Commiſſions) to uplift the Vacand Stipends which are or ſhall become Vacand during the ſeven years above-mentioned, within the reſpective Dioceſſes hereby allotted to them; The Collector to be appointed by the Colledge of *Glaſgow*, to uplift the Vacancies of the Dioceſs of *Glaſgow*, alwayes finding ſufficient Caution at the ſight of the Univerſity of *St. Andrews*, to make payment to that Univerſity and to the Univerſity of *Glaſgow*, equally betwixt them, of the Vacancies which he ſhall receive within the ſaid Dioceſs of *Glaſgow* for this preſent year, one thouſand, ſix hundred, & ſeventy two; And his Majeſty, with advice foreſaid, Ordains Letters of Horning, and all other execution neceſſary, to paſs at the inſtance of the ſaids Collectors, for the more ſpeedy raiſing & inbringing of the Vacancies aforeſaid: which Vacancies are to be diſpoſed of & imployed for the uſe of the reſpective Univerſities and Colledges yearly, by the Viſitors to be appointed by his Majeſty for the reſpective Univerſities and Colledges under the Great Seal. It is alwayes hereby Declared, that the Vacancies ſhall be burdened with the up-holding of the Manſes of theſe Paroches, out of which the Vacancies ſhall be raiſed, in the ſame manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Dioceſs of *Argyl*, they are to be imployed for maintenance of *Buſſars*, as is appointed by former Acts of Parliament: And His Majeſty, with advice foreſaid, Declares the former Act paſt in the third Seſſion of His Majeſties firſt Parliament, Entituled, *Act for additional Proviſion in favours of Univerſities*, to be void and null to all the intents therein contained.

XXI.

ACT concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. of September, 1672.

OUR Soveraign Lord, conſidering, that albeit by the 125. Act of the 12. Parliament, holden by His Majeſties Grand-father in the year, 1592. the uſurpation of Armes by any of His Majeſties Leidges, without the Authority of the *Lyon King of Armes*, is expreſly diſcharged; And that in order thereto, power and Commiſſion is granted to the *Lyon King of Armes*, or his Deputies to viſit the whole Armes of Noble-men, Barons and Gentle-men, and to matriculate the ſame in their Regiſters, and to fine in one hundred pounds, all others who ſhall unjuſtly uſurp Armes; As alſo to eſcheat all ſuch Goods and Gear, as ſhall have unwarrantable Armes ingraven on them. Yet, amongſt the many irregularities of theſe late times, very many have aſſumed to themſelves Armes, who ſhould bear none, and many of theſe who may in Law bear, have aſſumed to themſelves the Armes of their Chief, without diſtinctions, or Armes which were not carried by them or their Predeceſſors. Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Ratifies and Approves the foreſaid Act of Parliament; And for the more vigorous proſecution thereof, doth hereby Statute and Ordain, that letters of publication of this preſent Act be direct to be execute at the Mercat-croſs of the head Burghs of the Shires, Stewartries, Bailieries of Royalty and Regality, and Royal Burroughs, charging all and ſundry Prelats, Noble-men, Barons and Gentle-men, who make uſe of any Arms or Signs Armorial, within the ſpace of one year after the ſaid publication to bring or ſend an account of what Arms, or Signs armorial they are accuſtomed to uſe, and whither they be Deſcendants of any Family, the Arms of which Family they bear, and of what Brother of the Family they are deſcended; With Teſtificats from perſons of Honour, Noble-men or Gentle-men of quality, anent the verity of their having and uſing thoſe Arms, and of their deſcent as aforeſaid, to be delivered either to the Clerk of the Juriſdiction where the perſons dwels, or to the Lyon Clerk, at his Office in *Edinburgh*, at the option of the party, upon their Receipts *gratis*, without paying any thing therefore; Which Receipt ſhall be a ſufficient exoneration to them, from being oblieged to produce again, to the effect, that the *Lyon King of Arms* may diſtinguiſh the ſaids Arms, with congruant Differences, and may matriculate the ſame in his Books and Regiſters, and may give Arms to vertuous and well deſerving perſons, and Extracts of all Arms, expreſſing the blaſoning of the Arms under his hand and Seal of Office; For which ſhall be payed to the Lyon, the ſum of twenty merks, by every Prelat & Noble-man, and ten merks be every Knight and Baron, and five merks by every other perſon bearing Arms, and no more: And His Majeſty

Majeſty hereby diſpenſes, with any penalties that may ariſe be this or any preceeding Act for bearing Armes, before the Proclamation to be iſſued hereupon. And it is Statute and Ordained, with conſent foreſaid, that the ſaid Regiſter ſhall be reſpected as the true and un-repealable rule of all Armes and Bearings in *Scotland*, to remain with the Lyons Office as a publick Regiſter of the Kingdom, and to be tranſmitted to his Succeſſors in all time coming: And that whoſoever ſhall uſe any other Armes any manner of way, after the expiring of year and day from the date of the Proclamation to be iſſued hereupon, in manner foreſaid, ſhall pay one hundred pounds money, *toties quoties*, to the Lyon, and ſhall likewayes eſcheat to His Majeſty, all the moveable Goods and Gear upon which the ſaids Armes are engraven, or otherwiſe repreſented. And His Majeſty, with conſent foreſaids Declares, that it is only allowed for Noblemen and Biſhops to ſubſcribe by their Titles; And that all others ſhall ſubſcribe their Chriſtned Names, or the initial letter thereof with their Sirnames, and may, if they pleaſe adject the Deſignations of their Lands, prefixing the word OF to the ſaids Deſignations. And the *Lyon King at Armes* and his Brethren, are required to be carefull of informing themſelves of the contraveeners hereof, and that they acquaint His Majeſties Council therewith, who are hereby impowered to puniſh them as perſons diſobedient to, and contraveeners of the Law. It is likewayes hereby Declared, that the Lyon and his Brethren Heraulds are Judges in all ſuch cauſes, concerning the Malverſation of Meſſengers in their office, and are to enjoy all other priviledges belonging to their Office, which are ſecured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT againſt Profaneneſſe.

Edinburgh, 11. of September, 1672.

OUR Soveraign Lord, conſidering the many and great violations of the Law of GOD, and of the Laws of this Kingdom, eſtabliſhed by His Majeſty and his Royal Predeceſſors, againſt curſing, ſwearing, drunkenneſſe, fornication and uncleanneſſe, profanation of the Lords-day, mocking or reproaching of Religion and the excerciſes thereof; Which are prohibit by ſeveral Acts of Parliament, under diverſe pecuniall mulcts and penalties; and eſpecially by the twenty Act of the twenty two Parliament of King *James* the ſixth, entituled, *Act anent the puniſhment of Drunkards*; And by the eighteenth Act of the firſt Seſſion of His Majeſties firſt Parliament, entituled, *Act for the due obſervation of the Sabbathday*; And the nineteenth Act thereof entituled, *Act againſt ſwearing and exceſſive drinking*; And by the thirty eight Act of that ſame Seſſion of Parliament, containing inſtructions to the Juſtices of Peace: Doth, with advice of His Eſtates of Parliament, Statute and Ordain, that the ſeveral pains and fines appointed by the ſaid Acts, be inflicted on, and exacted off the reſpective tranſgreſſors; And for that effect, it is hereby Statute and Ordained, that beſides the excerciſe of Church-diſcipline, according to the Laws and practice uſed in this Church, in every Paroch within Royal Burgh, or wherein any of His Majeſties Privy Council or Lords of Seſſion, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commiſſaries, have their reſidence or keep Courts, that the ſaids Councellors or Lords of Seſſion, Magiſtrats of ſuch Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commiſſaries or any Juſtice of Peace, They or any one or more of them, execute or cauſe execute the ſaids Laws, againſt ſuch delinquents in the ſeveral Paroches where they reſide, as ſhall be dilated to them by the Kirk-Seſſions, or other Church-Judicatories. Providing alwayes, Likeas it is hereby provided, that the Miniſter and Kirk-Seſſion, with the Heretors of each Paroch, or ſuch of them as upon publick intimation by the Miniſter from the Pulpit, upon eight dayes warning, ſhall meet with the Miniſter, and his aſſiſtants in diſcipline, have the nomination of a Collector, who is to receive and count for the fines ſo impoſed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accuſtomed ſo to nominat, they alwayes being accountable as other Collectors, for the uſes after-ſpecified: And where there be any Paroches, in which there is none of the ſaids above-named perſons in Authority reſident, the Miniſter and Kirk-Seſſion and Heretors of the Paroch, or Major part of them, who ſhall conveen upon publick intimation by the Miniſter upon eight dayes warning, ſhall nominat ſo often as they ſee cauſe, a perſon reſident within the Paroch, whom they find moſt fit for executing of the ſaids Statutes, and ſhall under their hand, offer the perſon ſo choſen to the Sheriffs, Lords and Bailiffs of Regalities, Stewarts, Commiſſaries, having the ordinary Juriſdiction of that place, who are hereby authorized to give Commiſſion and Deputation to the perſons ſo choſen for conveening the perſons tranſgreſſors of the foreſaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution ſhall paſs upon the Decreets and Sentences of the ſaids Judges and Commiſſioners, as do or may paſs upon the Decreets or Sentences of Sheriffs, Bailiffs of Royalry or Regality, for executing of the ſaids Statutes, conform to the tennor thereof in all points. With Power to the ſaid Miniſter, Kirk-Seſſion and Heretors of each Paroch conveened in manner foreſaid, to modifie and appoint ſuch part and portion of the ſums ariſing by the ſaid Decreets, to the

Collectors

Collectors nominat by them for their ſervices, as they ſhall find juſt, according to their pains and diligence. And it is hereby Declared, that the remainder of the ſaids ſums ſhall belong to, and be made uſe of, for the poor of each Paroch *reſpective*, in manner following, *viz.* The one half thereof for the uſe of the poor of each Paroch to be ſent to the Correction-houſes, for being bred to lawful Trades, conform to an Act of Parliament, made in this Seſſion of Parliament; And for which, the Collector ſhall be countable to the Heretors of each Paroch, and ſhall deliver to them Receipts from the Maſters of the Correction-houſes of the one half of the ſaids ſums, toward the allowance of the ſaid poor people, appointed to be payed out of each Paroch by the ſaid Act: and the other half of the ſaids fines ſhall belong to the poor of each Paroch *reſpective*, who by the ſaid Act, by reaſon of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-Kirk, and for which the ſaids Collectors are to be countable to the Miniſter and Kirk-Seſſion of each Paroch, or to the Elders during the Vacancy; and to be applyed be them for the uſe of the poor, as they ſhall ſee cauſe.

XXIII.

ACT Salvo jure cujuſlibet.

Edinburgh, 11. of *September*, 1672.

OUR Soveraign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged: Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt Parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuſlibet*.

XXIV.

ACT of Adjournment.

Edinburgh, 11. of *September*, 1672.

THE King's Majeſty Declares this Parliament current, and Adjourns the ſame to the ſecond Wedneſday of *June* next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

F I N I S.

A LIST

A LIST

Of the LAWS and publick ACTS, paſt in the Parliament holden at *Edinburgh*, in the Year, 1672.

1. *ACT for ſettling of the* Militia.
2. *Act concerning Pupils and Minors, and their Tutors and Curators.*
3. *Act diſcharging the importation of Iriſh Victual.*
4. *Act for raiſing a Supply to His Majeſty, of* 864000. *l.*
5. *Act concerning the Priviledges of Burghs-Royal.*
6. *Act diſcharging ſecond Summonds,* &c.
7. *Act concerning the Writs paſſing the Great and Privy Seals.*
8. *Act concerning the Arreaſtments uſed within Burghs.*
9. *Act againſt unlawfnl Ordinations,* &c.
10. *Act concerning Apparel.*
11. *Act againſt ſuch as do not Baptize their Children.*
12. *Act for an Anniverſary Thankſgiving.*
13. *Act concerning the* Ann, *due to the Executors of Biſhops and Miniſters.*
14. *Act for retouring of Taxt-Marriages.*
15. *Commiſſion for plantation of Kirks, and valuation of Teinds.*
16. *Act concerning the regulation of the Judicatories.*
17. *Act againſt keepers of Conventicles, and with-drawers from Publick Worſhip.*
18. *Act for eſtabliſhing Correction-houſes for Idle Beggars and Vagabonds.*
19. *Act concerning Adjudications.*
20. *Act for employing Vacand* Stipends *for the Univerſities.*
21. *Act concerning the Priviledges of the Office of Lyon King at Armes.*
22. *Act againſt Prophaneneſſe.*
23. *Act* Salvo jure cujuſlibet.
24. *Act of* Adjournment.

FINIS.

A LIST

Of the ACTS and RATIFICATIONS paſt in the third Seſſion of His Majeſties ſecond Parliament, holden in the Year, 1672. and which are not printed.

Proteſtations by ſome Noblemen, for their ranking in the Rolls of Parliament.
His Majeſties Letter to the Parliament, with the Parliaments Anſwer.
Warrand for ſome new Fairs and Markets.
Act concerning Mr. *William Moor*.
Acts concerning the Burghs of *Cromarty*, *Kilreny* and *Enſtruther*.
Act and Ratification in favours of the Colledge of *Glaſgow*.
Warrand for a Birth-brieff to Sir *Gabriel Wood*.
Act annexing the Duke of *Buckcleuchs* Lands in *Dumfreis* to the Shire of *Roxburgh*.
Act ſuſpending publick Debts, and Protection to *William Dick*.
Decreet the Lady *Forreſter* and her Son againſt the Counteſs of *Bramford*.
Ratification of the Earl of *Dundonnalds* Mortification to the Colledge of *Glaſgow*.
Act for repairing the Kirks of *Burrowſtouneſs*, *Blair*, and *Elie*.
Impoſition for the building and repairing of three Bridges.
Proteſtation by the Lord Theſaurer Depute.
Act againſt Members of Parliament who did not attend.
Remit in favours of the Earls of *Caſſils* and *Lothian*, &c.
Remit and Recommendation of ſome Petitions to the Council.
Ratification in favours of the Earl of *Rothes*, Lord Chancellor.
Ratification in favours of the Duke of *Buckcleuch*.
Ratification in favours of the Earl of *Athol*.
Proteſtation by the Laird of *Strowan* againſt it.
Ratification in favours of Sir *John Wachop of Niddrie*.
Ratification in favours of Mr. *Alexander Balnaves*.
Ratification in favours of Sir *William Scot of Harden*.
Ratification in favours of the Duke of *Lennox*.
Ratification in favours of the Duke and Dutcheſs of *Hamiltoun*.
Ratification in favours of the Arch-Biſhop of St. *Andrews*.
Proteſtation by the Biſhop of *Edinburgh* againſt it.
Proteſtation by the Arch-Biſhop of St. *Andrews* to the contrar.
Ratification in favours of the Marqueſs of *Montroſe*.
Ratification in favours of the Earl of *Glencarn*.
Ratification in favours of the Earl of *Caſſils*.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Earl of *Kilmarnock*.
Ratification in favours of the Lord Theſaurer-Depute.
Ratification in favours of the Lyon, King at Arms, and his Son.
Ratification in favours of Sir *Andrew Ker of Cavers*.
Ratification in favours of *James Hamiltoun*.
Ratification in favours of *William Bruce of Newtoun*.
Ratification in favours of *Adam Urquhart of Meldrum*.
Ratification in favours of Mr. *George Gibſon*.
Ratification in favours of Mr. *John Bayne*.
Ratification in favours of Mr. *Thomas Murray*.
Ratification in favours of Major *Hew Buntein of* Kilbryd,
Ratification in favours of *John Rutherfurd of Edgarſtoun*.
Two Ratifications in favours of Sir *Andrew Ramſay of Abbotſ-hal*.
Ratification in favours of Mr. *Robert Roſs*.
Ratification in favours of Mr. *William Barclay*.
Ratification in favours of *Andrew Fletcher of Saltoun*.
Ratification in favours of Sir *Thomas Stewart of Gairntullie*.
Ratification in favours of *John Blair of Drumskey*.
Ratification in favours of Sir *John Ayton* of that ilk
Ratification in favours of Mr. *William Eccles*.

Rati-

Ratification in favours of *Thomas Kirkpatrick.*
Ratification in favours of *John Johnſtoun.*
Ratification in favours of *James Menzeis of Enoth.*
Ratification in favours of *John Maitland of Eccles.*
Ratification in favours of *Robert Greirſon of Lag.*
Ratification in favours of Sir *James Mackgill of Rankellore.*
Ratification in favours of *John Boyl of Kelburn.*
Ratification in favours of *James Birsben of Biſhoptoun.*
Ratification in favours of *John Cunningham of Enterkin.*
Ratification in favours of *Archibald Stewart of Blackhall.*
Ratification in favours of *David Boſwall of* Achinleck.
Ratification in favours of *William Blair* of that ilk.
Ratification in favours of Sir *Patrick Maxwell of Newark.*
Ratification in favours of Sir *William Graham of Gartmore.*
Ratification in favours of Mr. *Roger Hog.*
Ratification in favours of *David Kinneir* of that ilk.
Ratification in favours of *Patrick Threipland of Fingask.*
Ratification in favours of *Patrick Maxwell of Teilling.*
Ratification in favours of Sir *David Carnegie of Pittarro.*
Two Ratifications in favours of Sir *William Bruce of Balcaskie.*
Ratification in favours of *William Menzeis of Pitfoddel.*
Ratification in favours of *Alexander Cochrane of Barbachlaw.*
Ratification in favours of *Peter Hay of Nauchton.*
Ratification in favours of *Andrew Anderſon* His *Majeſties* Printer.
Ratification in favours of *Alexander Udney* of that ilk.
Ratification in favours of *John Schaw of Sornbeg.*
Ratification in favours of *William Maxwell of* Jacktoun.
Ratification in favours of *William Murray of Stanhop.*
Ratification in favours of *John Walker.*
Ratification in favours of *James Hamiltoun* in *Edinburgh.*
Ratification in favours of *James Maule of Melgum.*
Ratification in favours of *Alexander Watſon* Provoſt of *Dundee.*
Ratification in favours of the City of *Edinburgh.*
Ratification in favours of *Alexander Hamiltoun of* Dalyel.
Ratification in favours of the Chirurgians in *Glaſgow.*
Ratification in favours of Sir *James Baird of Achmedden.*
Ratification of a Gildrie in *Glaſgow.*
Ratification in favours of Sir *James Johnſtoun of Weſter-hall.*
Ratification in favours of Mr. *Andrew Burnet* of *Warriſtoun.*
Ratification in favours of the Earl of *Panmure.*
Ratification in favours of *Hew Paterſon.*
Two Ratifications in favours of the Univerſity of St. *Andrews.*
Ratification in favours of the Earl of *Argyl.*
Ratification in favours of the Earl of *Kinghorn.*
Proteſtation by the Earl of *Southesk* and Town of *Forfar* againſt it.
Ratification in favours of Sir *John Young of Leny.*
Ratification in favours of *Arthur Tempil of Ravelrig.*
Ratification in favours of *John Cheiſlie of Gorgie.*
Ratification in favours of Sir *Hew Campbell of Calder.*
Ratification in favours of *William Lindſay of Belſtane.*
Ratification in favours of Sir *James Fowlis of* Colingtoun.
Ratification in favours of *John Leſlie of* Aquhrosk.
Ratification in favours of *James* Somervel *of* Drum.
Two Ratifications in favours of Mr. *David Watſon.*
Proteſtation by the Wrights of the *Canogate* againſt one of them.

F I N I S

THE

LAWS AND ACTS

Paſt in the Fourth and laſt

SESSION

Of the SECOND

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND,

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*,
Defender of the Faith.

Holden by his Grace, John *Duke of* Lauderdale, *Marqueſs of* March, *Earl of* Lauderdail, *Viſcount* Maitland, *Lord* Thirleſtane, Muſſelburgh *and* Bolton, *&c.* *His* MAJESTIES *Commiſſioner*, &c.

This Seſſion continued from the 12. of *Novemb.* 1673. to the 2. of *Decemb.* thereafter; and then being by His *Majeſties* Authority ſeveral times Adjourned:

The Parliament was by His *Majeſties* Royal Proclamation the 19. of *May*, 1674. Diſſolved.

ACT concerning the Pre-emption and Exciſe of Salt.

At *Edinburgh*, the 25. of *November*, 1673.

THE King's moſt Excellent Majeſty, having, from the conſtant affection and care, which He hath alwayes had of the concerns of this His Ancient Kingdom, Reſolved further to gratifie His good Subjects, by ſuch Grants and publick Laws as he ſhall judge to conduce moſt for their good and advantage: And underſtanding by the proſecution and management of the Pre-emption of Salt within this Kingdom; that the ſame hath been occaſion of trouble and burden to His Subjects, His Majeſty doth therefore Annull and Diſcharge the ſaid Pre-emption, and all Pre-emptions of Salt in time coming, and Declares the ſame, and all Acts, Commiſſions, or other warrands whatſomever authorizing it, to be, from and after the firſt day of *December*, this preſent year, one thouſand, ſix hundred, and ſeventy three, vacated, void and null. And in order thereunto, His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth hereby reſcind and Annull, all and ſundry the Contracts, which in proſecution of this Pre-emption, were entred into by the Salt-maſters, and theſe perſons who, by warrand of the Commiſſioners of His Majeſties Theſaurie, contracted with them for the ſale of their Salt. And declares the ſaids Contracts and every of them to be void and null, after the ſaid firſt of *December* next to come: It is alwayes hereby declared, that theſe

Contracts are to ſtand good to all intents and purpoſes therein contained, for all the Salt that is or ſhall be made before the ſaid firſt day of *December*. Likeas the Kings Majeſty, for the encouragement of the Manufacture of Salt, and for the further eaſe of His good Subjects, Doth hereby declare, all Salt made or to be made within this Kingdom, to be henceforth free from payment of Exciſe. And further, His Majeſty, with advice foreſaid, allowes the Importation of forraign Salt; And Statutes andOrdains, that ilk Boll of forraign Salt of *Linlithgow* meaſure, ſhall pay fourty ſhillings *Scots* of Exciſe, whether the Salt be imployed on Fiſhes or not; and that ſecurity ſhall be given at the entry of the Salt, that this Exciſe duty ſhall be compleatly payed within year and day after the Importation thereof: And in conſideration of the Exemption which the forraign Salt employed on Fiſhes had from Exciſe formerly; His Majeſty Declares, That all exported Fiſhes, whither Herring, Salmond, or others, ſhall be in time coming free from the payment of Cuſtom.

Likeas, His Majeſty, with advice foreſaid, doth Inhibit and Diſcharge the Collectors and Farmers of Exciſe, upon any pretext, to give any eaſe or abatement of the ſaid fourty ſhillings of Exciſe impoſed upon ilk boll of forraign Salt, under the pain of deprivation, if they be Collectors, and the loſs of the Benefit of their Tack of the Exciſe, if they be Farmers; and of ſuch further puniſhment as the Lords of Exchequer ſhall think fit to inflict. And to the end it may be known, what quantities of Forraign Salt are truely entered, His Majeſty, with advice foreſaid, Ordains the ſeveral Collectors of Exciſe, from time to time, to make patent to any of the Owners of Salt, or theſe having their Warrand, their Books, in ſo far as concerns the entry of forraign Salt: And if the Salt-Owners, or their Factors, ſhall find any quantity concealed or imbezil'd, or that there is abatement given of the duty, they are hereby warranted to purſue the tranſgreſſors before the Lords of Exchequer: And ſhall have for their own uſe, the equal half of the ſeiſure-concealment, or abatement *reſpective*, which ſhall be ſo diſcovered by them. And his Majeſty doth, with advice foreſaid, Reſcind and Annul any former Acts of Parliament, or clauſes therein, relating to the Exciſe of Salt, which are inconſiſtent with, and prejudicial unto, the intent of this Act: And Declares, that ſo long as the Exciſe continues, this ſhall be the conſtant rule for regulating the Exciſe of Salt, and the Cuſtom thereof to continue as it is in the Book of Rates.

ACT *Concerning the Importation and Exiſe of*

BRANDY.

At *EDINBURGH*, the 1. of *December*, 1673.

THE King's Majeſty, having, upon good conſideration, thought fit to allow the Importation of Brandy, and Mum or Bremer-beer within this Kingdom; Doth therefore with advice and conſent of His Eſtates of Parliament, Reſcind and Annul all Acts of Parliament and Privy Councill, Proclamations and other Warrands prohibiting the ſame. Likeas, His Majeſty, with advice foreſaid, Appoints every Tun of Imported Brandy to be lyable in payment of fourſcore pounds *Scots* for Cuſtom, without any defalcation, and ilk Scots pint of the ſame Brandy to be liable in the payment of ſix ſhillings *Scots* for Exciſe: And every barrell of the aforeſaid Mum, not exceeding twelve gallons to be lyable in thretty ſhillings *Scots* of Cuſtome, and alſmuch for exciſe, which Exciſe of Brandy and Mum; is to be raiſed in the ſeverall Shires and Burghs, where the ſame ſhall be retailed, by tapping and ſelling in ſmalls, and employed for the proportional relief of the annuity of Exciſe payable by the ſaids Shires and Burghs, and this Cuſtome and Exciſe to be litted and payed conform to the Laws and Acts, made concerning Cuſtome and Exciſe *reſpective*.

ACT *Concerning*

APPAREL.

At *EDINBURGH*, the 2. of *December*, 1673.

THE King's Majeſty, conſidering that ſome difficulties have occurred, concerning ſome expreſſions and qualifications mentioned in the Act made in the laſt Seſſion of Parliament, concerning Apparel, and that the Manufacture of whyt Lace or Pearling made of threed (whereby many poor people gain'd their lively-hood) was thereby much prejudged and impaired: For the clearing and remeed whereof; in time coming, His Majeſty hath thought fit, with advice and conſent of His Eſtates of Parliament, to Reſcind, Diſcharge and Annul that part of the afore-mentioned Act for Apparel, concerning the allowance granted to the

the perſons thereby priviledged, to wear Velvet, Satins, and other Silk Stuffs, &c. And Declares, that now and in time coming, it ſhall be free to all and every perſon within this Kingdom, to wear all ſuch Silks, whyt Lace, Cloaths and others, in the ſame manner, and als freely as be the aforeſaid Act, they were allowed to be worn by the priviledged perſons therein mentioned: And that plain Satin Ribbons may be worn upon Apparel in the ſame manner as Taffiitie Ribbons; Any thing in the ſaid Act to the contrair, notwithſtanding. Likeas, His Majeſty, with advice foreſaid, doth hereby Ratifie and renew the aforeſaid Act, paſt in the laſt Seſſion of Parliament, concerning Apparel, in all the other heads, clauſes and articles thereof, which are not by this Act innovat or diſcharged.

ACT concerning the Impoſition on

TOBACCO.

At *EDINBURGH*, the 2. of *December*, 1673.

THE King's Majeſty, conſidering the prejudice that doth and may ariſe to the trade of Tobacco, be and upon occaſion of the late Impoſition upon the Tobacco, and the gift of the ſame given under His Majeſties Great Seal, to Sir *John Nicolſon* of *Nicolſon*, of the date the ſecond of *December*, 1671. Therefore His Majeſty, with advice and conſent of His Eſtates of Parliament, doth diſcharge the ſaid Impoſition upon the Tobacco. And declares the ſaid Impoſition, and Gift thereof granted to the ſaid Sir *John Nickolſon* to be void and extinct in all intents, as if the ſaid Impoſition and Gift had not been impoſed or granted. And His Majeſty, with conſent foreſaid, doth allow the Importing of Tobacco in all time comming free and without payment of any other Cuſtome and Impoſition but the ordinary Cuſtome: Conform to the book of Rates, And the Exciſe. It is alwayes Declared and Ordained, that ſuch ſums of money as have been payed to the ſaid Sir *John*, or to any perſon in his name, for and upon the account of the ſaid Impoſition, and all Bands granted upon the account foreſaid, ſhall pertain to His Majeſty, and the ſaid Sir *John* ſtall be accountable for the ſaids ſums, and ſhall be oblieged to deliver the ſaids Bands to the Lords of His Majeſties Theſaurie for His Majeſties uſe; Excepting alwayes, the Band given for the Tobacco, imported in the Ship called Whereof *John Philips* is Maſter, arrived at the Port of in the Weſt, which His Majeſty doth diſcharge, and Ordains, to be given back to thoſe who granted the ſame: And ſicklike, excepting any other Bands granted upon the account of the ſaid Impoſition, where the Tobacco is not vented, as to ſuch proportions thereof, as the Merchants ſhall declare upon their Oath, are not ſold by them, they alwayes paying the ordinary dues, *viz.* Cuſtom conform to the book of Rates, and Exciſe. And His Majeſty, with advice foreſaid, doth hereby Declare all Tobacco already Imported, to be free of the ſaid Impoſition, where money hath not been payed, or Bands granted for the ſame, and diſcharges any arreſtments laid thereon upon the account of the ſaid Impoſition.

A. Primeroſe, Cls. Reg.

FINIS.

THE

THE

LAWS AND ACTS

Of the THIRD

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND,

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at EDINBURGH, the 28. day of *July*, 1681.

By His Royal Highneſs JAMES *Duke of* Albany, *and* York, &c. *His* Majeſtie's *High Commiſſioner for holding the ſame, by vertue of Commiſſion under His* Majeſtie's *Great Seale of this Kingdom.*

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

I.

ACT Ratifying all former Laws for the Security of the Proteſtant Religion.

Auguſt 13. 1681.

OUR SOVERAIGNE LORD, With advice and conſent of the Eſtates of Parliament, Ratifies and approves all and whatſoever Laws, Acts, and Statuts made by his Royal Grand-father, and Father of Bleſſed Memory, or made and paſt in any of his Majeſtie's former Parliaments, for ſettling and ſecuring the Liberty and Freedom of the true Kirk of God, and the Proteſtant Religion, preſently Profeſſed within this Realm, and all Acts made againſt Popery, And Ordains the ſame to ſtand in full force, and effect, and to be put in Execution, according to the tenour and purport of theſe Acts, As if they were ſpecially mentioned, and ſet down herein.

II.

ACT Acknowledging and aſſerting the right of Succeſſion to the Imperial Crown of Scotland.

Auguſt 13. 1681.

THE Eſtates of Parliament, Conſidering that the Kings of this Realm deriving their Royal power from God Almightie alone, do ſucceed lineally thereto, according to the known degrees of Proximitie

in blood, which cannot be interrupted, ſuſpended or diverted by any Act or Statute whatſoever, And that none can attempt to alter or divert the ſaid Succeſſion, without involving the ſubjects of this Kingdom in Perjurie and Rebellion, and without expoſing them to all the fatal and dreadful conſequences of a Civil warr, DOE therefore from a hearty and ſincere ſence of their duty, Recognize, acknowledge and declare, that the right to the Imperial Crown of this Realm, is by the inherent right and the nature of the Monarchie, aſwel as by the fundamental and unalterable Laws of this Realm, tranſmitted and devolved by a lineal Succeſſion, according to the proximitie of blood. And that upon the death of the King or Queen, who actually Reignes, The ſubjects of this Kingdom are bound by Law, duty and allegiance, to obey the next Immediat and Lawful Heir either Male or Female, Upon whom the right and adminiſtration of the Government is immediatly devolved. And that no difference in Religion, nor no Law nor Act of Parliament made, or to be made, can alter or divert the right of Succeſſion and lineal deſcent of the Crown to the Neareſt and Lawful Heirs, according to the degrees foreſaids: nor can ſtop or hinder them in the full, free and Actual adminiſtration of the Government according to the Laws of the Kingdom. Likeas OUR SOVERAIGNE LORD, With advice and conſent of the ſaids Eſtates of Parliament, Do declare it is high Treaſon in any of the ſubjects of this Kingdom, by writing, ſpeaking, or any other manner of way to endeavour the alteration, ſuſpenſion or diverſion of the ſaid right of Succeſſion, or the debarring the Next Lawful Succeſſor from the immediat, Actual, full and free adminiſtration of the Government, conform to the Laws of the Kingdom. And that all ſuch attempts or deſignes ſhall inferr againſt them the paine of Treaſon.

III.

ACT For a voluntary offer of a new Supplie to the King's Majeſtie.

Auguſt, 20. 1681.

OUR SOVERAIGNE LORD, and Eſtates of Parliament taking to conſideration, That the Convention of Eſtates, holden at *Edinburgh*, in the Month of July, 1678. upon the weighty conſiderations therein ſpecified, and particularly the great danger the Kingdom was under, by ſeditious and rebellious Conventicles, and the neceſſitie which then appeared to encreaſe the forces, for ſecuring the Government, and ſuppreſſing theſe Rebellious commotions, which were fomented by ſeditious principles and practiſes. DID THEREFORE humbly, and dutifully offer a chearful and unanimous ſupplie of Eighteen hundred thouſand pounds Scots, to be raiſed and payed forth of the Shires and Burghs of this His Majeſties ancient Kingdom, in the ſpace of five years, according to the preſent valuations; And that as Twentie five Moneths ceſs in the whole, being five Moneths yearly, amounting to Three hundred and ſixty thouſand pounds Scots each year, at two terms in the year be equal portions, at the terms mentioned in the ſaid Act, being two Moneths, and an halfe Moneths ceſs for every term; according to the proportions impoſed on each reſpective Shire, and Burgh by the ſaid Act of Convention. AND the Eſtates of Parliament now conveened, having taken to conſideration, how the dangers from the foreſaids cauſes doe much encreaſe, in ſo far as ſuch as are ſeditiouſly, and rebelliouſly inclined, doe ſtill propogat their pernicious principles, and go on from one degree of rebellion to another; till now at laſt the horrid villanies of murther, aſſaſſination, and avowed rebellion are owned, not only as things Lawful, but as Obligations from their Religion, to the diſhonour of God, the ſcandal of Religion, the danger of His Majeſtie's Sacred Perſon, the overthrowing of all Government Eccleſiaſtical and Civil, and the Imminent and apparent ruine of the Subjects lives and fortuns. DOE THEREFORE, In a due ſence of their duty to God, To their Sacred Soveraigne, and to the preſervation of themſelves, and their poſteritie, Of new make ane humble, unanimous, chearful, and hearty offer, for themſelves, and in name of, and as repreſenting this His Majeſtie's ancient Kingdom, of a continuation of the foreſaid ſupply granted by the Convention of Eſtates; and that for the ſpace of five years, or Ten terms ſucceſſive: Beginning the firſt term's payment, at the term of *Martin-mas* 1683. being the next immediat term, after the expyring of the laſt term of the ſupply granted by the ſaid Act of Convention, being two Moneth's, and an halfe Moneth's ceſs, for each term of the ſaids Ten terms, and ſo forth to continue in manner foreſaid, yearly, and termly, during the ſaids five years; HUMBLY beſeeching His Majeſtie, graciouſly to accept this their unanimous offer, and tender foreſaid. WHICH ſupply is to be uplifted, levied and collected in the ſame way, and manner, as is preſcribed, and appointed by the ſaid Act of Convention, with the alterations and additions following, *viz.* That the Commander of the forces ſhall give, and allow ſuch parties, and no more, to the Receiver General, for quartering on deficients, as he ſhall require from time to time, for inbringing of the ſaid ſupply; As alſo that the ſaid Receiver General ſhall ſend parties to each Shire, in ſuch number, and no greater, and at ſuch times, as the Commiſſioners of Exciſe and Ceſs, or any two or more of them, or their Collector within the reſpective Shires, ſhall require, to be imployed for inbringing the ſupplie; and that all parties ſent to quarter in any Shire upon the accompt foreſaid, ſhall be directed in their quartering, by the Commiſſioners of Exciſe and Ceſs, within each Shire, according, and in the manner preſcribed by the foreſaid Act of Convention. IT IS ALWAIES HEREBY DECLARED, That although the Commiſſioners, or their Collectors ſhould not require

partie of Souldiers: Yet it ſhall be Lawful to the Receiver General after the elapſing of the terms of payment, to ſend parties to quarter upon the deficients, according to their proportions, *viz.* four Troupers, or Dragoons, or Sex foot, for each Thouſand pounds *Scots*, of deficiencie, and ſo forth proportionally; Which parties ſhall be ordered to quarter upon any deficients within the Shire; as the Commiſſioners or any two of them, or their Collector ſhall direct, which order and method is to be obſerved in quartering for the Exciſe; And the Receiver General or Tackſmen of the ſame, are only to imploy the number of forces foreſaid in quartering therefor, as for the ſupplie. AND It is STATUT, and ORDAINED, that in caſe the Collector of any Shire, ſhall receive in any of the ſaid ſupply, and retain the ſame in his hands, not paying it in to the General Receiver, That he ſhall be lyable to pay Ten pounds, for each one hundred pounds received by him; which he ſhall not pay to the ſaid Receiver, within a Moneth after his receipt thereof, But prejudice alwaies to the ſaid Receiver, to uſe quartering and other diligence, againſt the ſaids Collectors, or others lyable in manner foreſaid. AND HIS MAJESTY In His Royall goodnes, and care to His People, taking to his Princely conſideration, the many troubles, and inconveniences; which ariſe from the tranſient, or free quartering of Souldiers, and from the localities for furniſhing, and carrying Corn, Straw, or Graſs, to the Souldiers Horſes, DOETH with conſent of the Eſtates of Parliament diſcharge and prohibit, all free quartering of the Souldiers, either tranſient, or local, and all localities for furniſhing and carrying Corn, Straw, Hay, or Graſs, to Souldiers Horſes, and that from, and after the firſt day of November next in this inſtant year, 1681. the quartering, and localitie alwaies betwixt and the ſaid firſt day of November being payed or allowed, conform to the ſaid Act of Convention: And in caſe any Officers or Souldiers ſhall exact any free quarters, or any ſuch localitie thereafter, the damnage being inſtructed before two Commiſſioners for the ſupplie, or Exciſe, upon production of a certificat thereof under their hands, the Officer being required be way of Inſtrument to give redreſs to the partie, and not doing the ſame, ſhall loſe a Moneths pay to be payed to the partie injured by the Collector of the Ceſs or Exciſe in the Shire, by and attour the ſaid damage, which ſhall be allowed to him by the General Receiver: And this puniſhment to to be extended to any quartering for deficiencie which ſhall be uſed, or exacted otherwaies then is preſcribed in manner foreſaid. AND It is hereby DECLARED, that no diſcharges granted by Tennents to Souldiers, for proviſions, either of Men or Horſes, ſhall exoner the Officers or Souldiers, unleſs theſe diſcharges be under the hand of the Maſter, or Chamberlain. IT IS ALWAIES hereby ſpecially PROVIDED and ORDAINED, that the Sheriff principal or his Deput in the reſpective Shires, with any two or three of the Commiſſioners of ſupplie or Exciſe, ſhall ſet prices on Corn for the uſe of the Troupers, conform to fiars of the year, and prices upon Straw, Hay, and Graſs, according to the Current rates of the Countrie, and take care that the ſame be ſold at theſe rates, upon preſent payment of money to be made by the Souldiers to the owners of the ſaids proviſions: And in caſe it ſhall happen that any Horſes ſhall be imployed, and made uſe of, by Officers, or Souldiers, in Towns, or in the Countrie, for carrying Artilliary, Ammunition, or proviſion, or any other uſe of the Army, It is hereby Ordained, that there ſhall be payed for each day that they travel Three ſhillings Scots, for each two myles to the Man and Horſe, and each day that they doe not travel, Six ſhillings Scots to the Man, and as much for the Horſe: the Man being oblidged to provide himſelfe and the Horſe, which ſhall be payed by the Magiſtrats of the Burgh, if the Horſes be taken within a Town, or if in the Country, by the Collector of the ſupply in the Shire, who are to be repayed thereof, or to have the ſame allowed to them by the Receiver General. AND HIS MAJESTY & Eſtates of Parliament ORDAINS the Commiſſioners named by the Act of Convention to be Commiſſioners for ingathering of this ſupply, And appoints the Sherriffs of the reſpective Shires, to be Conveeners of the ſaids Commiſſioners: Recommending to the Lords of Privy Council, to appoint Commiſſioners in place of any of them already named be the ſaid Act of Convention, who are deceaſed, upon liſts given in be the remanent Commiſſioners, AND The Eſtates of Parliament doe declare, that no perſon lyable in this ſupply, ſhall be exeemed from paying his proportion of the ſame; And doe beſeech his Majeſty not to grant any ſuch exemptions, in favours of any Perſon. AND IT IS HEREBY DECLARED, that no perſon lyable in payment of this ſupply ſhall be holden to produce their diſcharges or receipts of the ſame after the Tenth day of June, one thouſand, ſix hundreth, nintey and one year. His Majeſty with advice and conſent foreſaid STATUTS and ORDAINS, that for the releiſe of the Heretours and others lyable in this ſupply, their Vaſſals, and Fewars, who pay no part of the Ceſs, and alſo their Tennents, Sub-Tennents, and others living upon their Lands ſhall be taxed and pay into the ſaids Heretors yearly, each one of the ſaids Five years, the ſums of money following, *viz.* Each Gentleman above the quality of a Tennent, the ſum to be appointed by the Heretor, not exceeding ſix pounds Scots, for himſelfe, his Wife, and Children; Each Tennent and other Inhabitant, above the qualitie of a Tradſman, Cottar, or Servant for themſelves and their Wyves and Children, any ſum not exceeding four pounds Scots: And each Tradſman, Cottar or Servant any ſum not exceeding Twenty ſhillings Scots. And it is ordained that the Heretor ſhall have the ſame Execution for raiſing the ſaids ſums, as for their Mails and duties.

IV.

ACT for ſecuring the Peace of the Countrie.

Auguſt. 29. 1681.

OUR SOVERAIGNE LORD. and the Eſtates of Parliament, DOE Ratifie, and Approve, all Laws, and Acts of Parliament, made for ſecuring the Government of the Church, as it is now eſtabliſhed by Law. AND for the farther ſecurity of the Peace of Church and State, as it is now eſtablſhed, THEY do hereby STATUTE and ORDAIN, That where any perſons who are Tennents, as well in Burgh, as Land, or Servants, being dilated upon the Oath of Calumny of the Informer, ſhall be found guilty, or holden as confeſt, before any competent Judicatory for field-conventicles, or for reſetting Preachers who are, or ſhall be, Intercommuned, or declared fugitives, upon a proceſs intended againſt the ſaids Tennents and Servants, within three Moneths after committing of the ſaids crimes; That their names, with their ſentence, be intimate by the Judge who pronounced the ſame, under form of Inſtrument, to the Maſter, if the delinquent be a Servant, or to the Heretour, and Land-Lord, in whoſe Land, and Houſes, he lives, if he be a Tennent, or Cottar: which Maſter, or Heretour, ſhall be oblidged within a Moneth after the ſaid intimation, either to pay the delinquent's fine, there being ſufficient goods to ſatisfie the ſame, by and attour a year's rent to the Maſter, or if he have not ſufficient goods, to put him and his Family out of his Land or Houſe, if he be a Tennent, or Cottar; and if a Servant, out of his Service, or preſent him to Juſtice; providing alwaies that the libel whereupon the foreſaid ſentence proceeded, be ſpecial as to a certain place, where the field-conventicle was keep'd, or there about, and alſo be ſpecial as to the time, *viz.* a certain day of ſuch a week, or one or other of the dayes of that week. AND HIS MAJESTIE, with advice, and conſent of His Eſtates of Parliament, DECLARES, that in this caſe, it ſhall be Lawful to Heretours, to put their Tennents out of their Lands, or out of their Houſes poſſeſt by them, at any time of the year, and that without any warning, or proceſs of Removing, and that notwithſtanding of any tacks ſet to the Tennents for years, or terms to run, which, in this caſe, are hereby declared to be void and null: And the Maſters and Heretors are hereby authorized, and allowed, to retain as much of the goods and geir belonging to the ſaids Tennents, Cottars, and Servants, as may ſatisfy, and pay, the laſt year's rent due by the Tennents, and relieve them of the ſaids fines. AND HIS MAJESTIE, with conſent foreſaid DECLARES, That if any man ſhall reſſet, or entertain, any Servant, Tennent, or Cottar, who is ſo put away, he ſhall be lyable to pay three years fee to the Maſter who did put him away, and three years duty to the Heretor who put away his Tennent, or Cottar, if the ſaids Tennents, or Cottars, ſo put away, be reſſet, or harboured, by any other Heretour, as ſaid is, and ſhall likewiſe be lyable in one hundred pounds Scots, to be payed to the King. IT IS alſo hereby STATUTE and ORDAINED, That the fines Impoſed by former Laws upon field-conventicles, ſhall be doubled, each perſon being by this Act fynable in twice as much as he was fynable by the former Laws; except as to Burgeſſes of Burghs Royal, Regality and Barony, who beſides the incurring the ſame fines for field-conventicles, are for the future to loſe their Burgeſſhips, and liberties, and to be baniſhed from the Town where they lived. AND to the end that all the Laws againſt Conventicles may be the better put to Execution, IT IS HEREBY DECLARED, that it ſhall be Lawful to His Majeſtie, to nominat Sheriff-deputs, Juſtices of Peace, or other Commiſſioners for puniſhing conventicles, and ſuch as are guilty of irregular Marriages, Baptiſms, and invading of Miniſters.

V.

ACT Concerning probative Witneſſes in Writs and Executions.

Auguſt 29. 1681.

OUR SOVERAIGNE LORD Conſidering that by the Cuſtom introduced when writing was not ſo ordinary, Witneſſes inſert in writs, although not ſubſcribing, are probative Witneſſes, and by their forgetfulnes may eaſily diſown their being witneſſes. FOR REMEED whereof, His Majeſtie with advice and conſent of the Eſtates of Parliament DOETH ENACT and DECLARE, That only ſubſcribing Witneſſes in writs to be ſubſcribed by any partie hereafter, ſhall be probative, and not the Witneſſes inſert not ſubſcribing; And that all ſuch writs to be ſubſcribed hereafter, wherein the Writter & Witneſſes are not deſigned, ſhall be null, and are not ſupplyable by condeſcending upon the Writter, or the deſignation of the Writter and Witneſſes. AND it is farther STATUTE & DECLARED, That no witneſs ſhall ſubſcribe as Witneſs to any partie's ſubſcription, unleſs he then know that partie, and ſaw him ſubſcribe, or ſaw, or heard him give warrand to a Nottar, or Nottars to ſubſcribe for him, and in evidence thereof touch the Nottar's pen, or that the partie did at the time of the Witneſſes ſubſcribing acknowledge his ſubſcription; Otherwiſe the ſaids Witneſſes ſhall be repute and puniſhed, as acceſſorie to forgerie. AND SEING writting is now ſo ordinary, HIS MAJESTIE with conſent foreſaid DOETH ENACT and DECLARE, that no Witneſſes but ſubſcribing Witneſſes ſhall be probative in inſtruments of Seiſing, Inſtruments of Reſignation *ad remanentiam*, inſtruments of intimation of aſſignations, tranſlations, or retro-ceſſions to bands, contracts, or other writs, which ſhall happen to be ſubſcribed in any time hereafter: AND THAT

none

none but ſubſcribing Witneſſes ſhall be probative in Executions of Meſſengers, of Inhibitions, of Interdictions, Hornings, or arreſtments; And that no Execution whatſoever to be given hereafter, ſhall be ſufficient to inferr interruption of preſcription in Real rights, unleſs the ſame be done, before Witneſſes preſent at the doing thereof ſubſcribing: And that in all the ſaids caſes the Witneſſes be deſigned in the bodie of the Writt Inſtrument, or Execution reſpective, otherwiſe the ſame ſhall be null and void, and make no faith in Judgement, nor out-with.

VI.

ACT Anent Religion *and the* TEST.

Auguſt. 31. 1681.

OUR SOVERAIGNE LORD, With His Eſtates of Parliament Conſidering, That albeit by many wholſome Laws made by his Royall Grand-father, and Father, of Glorious memory, and by himſelf, in this, and His other Parliaments, ſince His happy Reſtauration, the Proteſtant Religion is carefully aſſerted, eſtabliſhed and ſecured againſt Popery and Phanaticiſm: Yet the reſtleſs Advarſaries of our Religion, do not ceaſe to propogat their errours, and to ſeduce his Majeſtie's Subjects, from their duty to God, and Loyalty to His Vice-gerent, and to overturn the eſtabliſhed Religion, by introducing their Superſtitions, and deluſions, into this Church, and Kingdom. And knowing that nothing can more encreaſe the numbers and confidence of Papiſts, and Schiſmatical diſſenters from the Eſtabliſhed Church, then the ſupine neglect or putting in Execution the good Laws provided againſt them, together with their hopes to inſinuat themſelves, into Offices, and places of truſt, and publick Imployment. THERFORE, His Majeſty, from His Princely and pious zeal, to maintain and preſerve the true Proteſtant Religion, contained in the Confeſſion of Faith, recorded in the firſt Parliament of King *James* the Sixth, which is founded on, and agreeable to the written word of GOD; DOETH, with advice and conſent of His Eſtates of Parliament, Require and Command, all His Officers, Judges, and Magiſtrats, to put the Laws made againſt Popery, and Papiſts, Prieſts, Jeſuits, and all perſons of any other Order in the Popiſh Church, eſpecially againſt ſayers and hearers of Maſs; Venders and diſperſers of forbidden Books; And Reſſetters of Popiſh Prieſts, and excommunicat Papiſts: As alſo againſt all Phanatick Separatiſts from this National Church; Againſt Preachers, at Houſe, or Field Conventicles, and the Reſſetters and harbourers of Preachers, who are Intercommuned; Againſt diſorderly Baptiſms, and Marriages, and irregular Ordinations, and all other Schiſmatical diſorders, To full and vigorous execution, according to the Tenour of the reſpective Acts of Parliament thereanent provided. And that His Majeſtie's Princely care to have theſe Laws put in Execution, againſt thoſe enemies of the Proteſtant Religion, may the more clearly appear: HE DOETH, with advice and conſent foreſaid, STATUT and ORDAIN, That the Miniſters of each Paroch, give up in October Yearly, to their reſpective Ordinaries, true and exact liſts of all Papiſts, and Schiſmatical-withdrawers from the publick Worſhip, in their reſpective Paroches; which Liſts are to be ſubſcribed by them, and that the Biſhops give in a double of the ſaids Liſts Subſcribed by them, to the reſpective Sheriffs, Stewards, Bailies of Royalty, aud Regality, and Magiſtrats of Burghs, To the effect the ſaids Judges may proceed againſt them according to Law: As alſo the Scheriffs, and other Magiſtrats foreſaids, are hereby ordained to give an account to His Majeſtie's Privy Council in December yearly, of their proceedings againſt thoſe Papiſts, and Phanatical Separatiſts, as they will be anſwerable at their higheſt peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magiſtrats foreſaids, may be the better enquired into by the Council, the Biſhops of the reſpective Dioceſſes, ar to ſend exact doubles of the liſts of the Papiſts and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foreſaids, may be controlled and examined. And to cut of all hopes, from Papiſts, and Phanaticks, of their being imployed in Offices and Places of publick Truſt. IT IS HEREBY STATUT and ORDAINED, that the following *Oath* ſhall be taken by all perſons in Offices, and places of publick Truſt, Civil, Eccleſiaſtical, and Military, eſpecially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counſellors, Lords of Seſſion, Members of the Exchequer, Lords of Juſticiary, and all other Members of theſe Courts; all Officers of the Crown, and State; all Arch-Biſhops and Biſhops; and all Preachers and Miniſters of the Goſpel whatſoever; all perſons of this Kingdom, named or to be named Commiſſioners for the Borders; all Members of the Commiſſion for Church Affairs; all Sheriffs, Stewards, Bailies of Royalties and Regalities, Juſtices of the peace, Officers of the Mint, Commiſſars and their Deputs, their Clerks and Fiſcals, all Advocats and Procurators before any of theſe Courts, all Writters to the Signet, all Publick Nottars, and other perſons imployed in Writting or Agenting; The Lyon King at Arms, Heraulds, Purſevants, and Meſſengers at Arms; all Collectours, Sub-Collectours and Farmourers of His Majeſtie's Cuſtoms and Exciſe; all Magiſtrats, Deans of Gild, Counſellers and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon-Conveeners in the ſaids Burghs; all Maſters and Doctors in Univerſities, Colledges, or Schools, all Chaiplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other perſons in publick Truſt or Office within this Kingdom, who ſhall publickly ſwear, and ſubſcribe the ſaid

Oath as follows, *viz.* The Arch-Biſhops, Chief Commanders of the Forces, and Officers of the Crown and State, and Counſellers, before the Secret Council: All the Lords of Seſſion, and all Members of the Colledge of Juſtice, and others depending upon them, before the Seſſion: The Lords of Juſticiary, and thoſe depending upon that Court, in the Juſtice Court: The Lords and other Members of the Exchequer, before the Exchequer: All Biſhops, before the Arch Biſhops: All the inferiour Clergy, Commiſſars, Maſters and Doctors of Univerſities, and Schools, Chaiplains and Pedagogues, before the Biſhops of the reſpective Dioceſſes: Sheriffs, Srewards, Bailies of Royalty and Regality, and thoſe depending on theſe Juriſdictions, before theſe reſpective Courts: And Proveſts, Baillies and others of the Burgh, before the Town Council: All Collectors and Farmourers of the King's Cuſtoms and Exciſe, before the Exchequer; The Commiſſioners of the Borders, before the Privy Council; All Juſtices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; And common Souldiers, before their reſpective Officers; The Lyon, before the Privy Council; and Heraulds, Purſevants and Meſſengers at Arms, before the Lyon. And His Majeſty, with conſent foreſaid, STATUTS and ORDAINS, that all thoſe who preſently poſſeſs, or enjoy any of the foreſaids Offices, publick Truſts, or Imployments, ſhall take and ſubcribe the following Oath, in one of the foreſaids Offices, in manner before preſcribed, betwixt and the firſt of January next, which is to be recorded in the Regiſters of the reſpective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majeſtie's Privy Council, betwixt and the firſt of March next, One thouſand, ſix hundred, eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the firſt time they ſhall ſit, or exerce in any of theſe reſpective Courts: AND ORDAINS, that all who ſhall hereafter be promoted to, or imployed in any of the foreſaids Offices, Truſts, or Imployments, ſhall at their entry into, and before their excercing thereof, take and ſubſcribe the ſaid Oath, in manner foreſaid, to be recorded in the Regiſters of the reſpective Courts, and reported to His Majeſtie's Privy Council, within the ſpace of fourty dayes after their taking the ſame: And if any ſhall preſume to excerciſe any of the ſaids Offices; or Imployments, or any publick Office, or Truſt, within this Kingdom, (the King's Lawful Brothers and Sons only excepted) untill they take the Oath foreſaid, and ſubſcribe it, to be recorded in the Regiſters of the reſpective Courts, They ſhall be declared incapable of all publick Truſt thereafter, and be further puniſhed with the loſs of their Moveables, and Liferent-Eſcheat, the one half whereof to be given to the Informer, and the other half to belong to His Majeſty. And His Majeſty, with Advice foreſaid, recommends to His Privy Council to ſee this Act put to due and vigorous Execution.

Follows the Tenour of the OATH to be taken by all Perſons in Publick Truſt.

I. A. B. *Solemnlie ſwear in preſence of the Eternal God, whom I invocat as Judge, and Witneſs of my ſincere intention of this my Oath, that I own, and ſincerely profeſs the true* Proteſtant Religion, *contained in the* Confeſſion of Faith, *recorded in the firſt Parliament of King* James *the Sixth; and that I believe the ſame to be founded on, and agreeable to the written Word of God. And I promiſe and ſwear, that I ſhall adhere thereto, during all the dayes of my lifetime, and ſhall endeavour to educat my Children therein: and ſhall never conſent to any change, or alteration contrary thereto: And that I diſown, and renounce all ſuch Principles, Doctrines, or Practiſes, whether Popiſh, or Phanatical, which are contrary unto, and inconſiſtent with the ſaid* Proteſtant Religion, *and* Confeſſion of Faith. *And for teſtification of my Obedience to my moſt Gracious Soveraign* CHARLES *the Second, I do affirm, and ſwear, by this my ſolemn Oath, That the King's Majeſty, is the only Supreme Governour of this Realm, over all Perſons, and in all Cauſes, as well Eccleſiaſtical as Civil; And that no forraign Prince, Perſon, Pope, Prelate, State, or Potentate, hath or ought to have any Juriſdiction, Power, Superioritie, Preheminencie or Authoritie Eccleſiaſtical or Civil, within this Realm. And therefore I doe utterly renounce, and forſake all forraign Juriſdictions, Powers, Superiorities and Authorities, And doe promiſe, that from henceforth, I ſhall bear Faith and true Allegiance to the King's Majeſty, His Heirs and Lawful Succeſſours. And to my power ſhall aſſiſt and defend, all Rights, Juriſdictions, Prerogatives, Priviledges, Preheminencies, and Authorities belonging to the King's Majeſty, His Heirs and Lawful Succeſſours, And I farther affirm and ſwear by this my ſolemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatſoever, To enter into Covenants or Leagues, or to convocat, conveen, or aſſemble in any Councils, Conventions, or Aſſemblies, to treat, conſult, or determine, in any matter of State, Civil or Eccleſiaſtick, without His Majeſtie's ſpecial command, or expreſs licence had thereto, or to take up Arms againſt the King, or thoſe commiſſionated by Him: And that I ſhall never ſo riſe in Arms, or enter into ſuch Covenants, or Aſſemblies: And that there lies no Obligation on me from the* National Covenant, *or the* Solemn League and Covenant (*ſo commonly called*) *or any other manner of way whatſoever, to endeavour any change or alteration in the Government, either in Church or State, as it is now eſtabliſhed by the Laws of this Kingdom. And I promiſe and ſwear, that I ſhall with my utmoſt power, defend, aſſiſt, and maintain, His Majeſtie's Juriſdiction foreſaid againſt all deadly: And I ſhall never decline His Majeſtie's Power and Juriſdictions,* As I ſhall anſwer to God. *And finally, I affirm, and ſwear, that this my ſolemn Oath. is given in the plain, genuine ſenſe and meaning of the words, without any equivocation, mental reſervation, or any manner of evaſion whatſoever; And that I ſhall not accept, or uſe, any diſpenſation from any Creature whatſoever.* So help me God.

ACT

VII.

ACT discharging the Summer Session.

September 2. 1681.

OUR SOVERAIGNE LORD, upon grave and weighty considerations, finding it necessary and of great import for the good of his Majestie's Subjects, that the Summer Session in the Moneths of June and July yearly, be suppreſt, and taken away: DOETH with advice and consent of his Estates of Parliament, STATUTE, and ORDAIN, That in all time coming, the meeting and sitting of the Judicature of the Session, and Colledge of Justice, shall only be yearly, from the first of November, to the last of March Inclusive, and that there be a surcease of their meetings yearly, from the Twentieth and fourth of December, to the first of January immediatly following. And inhibits, and discharges the sitting of the Judicature of the Session in the saids Moneths of June and July, or any other time, but as the same is appointed, allowed, and prescribed, by this present Act.

VIII.

ACT For continuation of the Excise.

September 6. 1681.

THE ESTATES of Parliament, considering that the Excise of forreigne, and in-land commodities, imposed by the fourteenth Act of the first Session of his Majestie's first Parliament, does terminat witth the life of His Sacred Majesty who now reignes, whom God Almighty long preserve. AND They being desirous, that the Royal Government of the Kingdom, should not be then destitute of a due, and suitable support, for defraying the exigences thereof: THEY DOE THEREFORE, make ane humble and cheerful offer of a continuation of the Excise, for the space of Five years, to begin at the termination foresaid, to be raised, levied, and collected, of the forreigne commodities specified in the said Act, at the rates mentioned therein, and in subsequent Acts of Parliament, which are holden as here repeated: And likewise of the in land commodities of this Kingdom, and particularly of two merks Scots upon each Boll of Malt Browen, and sold, within the Kingdom, and three shillings Scots upon each Pynt of Aqua-vitæ, and Strong-waters, not made of Malt Browen, and sold, within this Kingdom. WITH POWER to His Majestie's Royal Successours during the saids years, to nominat and appoint Collectors, and other Servants, for the collecting, and inbringing of the said Excise, or to set the same in farm to the best advantage as they shall think fit. IT IS ALWAIES hereby DECLARED, that then neither Commissioners of Shires, nor Heretours, shall be lyable for the quota's of the Shires, nor shall the Land-rent be affected therewith, but that the same shall only be collected from the Brewers, Vintners, and Tapsters over the whole Kingdom, according to the extent of their Brewing, and at the rates foresaids, during this said continuation.

IX.

ACT Against personal Protections.

September 6. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, DOE Ratifie, and approve all former Laws, and Statutes, made against Supersedere's, and Protections; And to the end the same may be made yet more effectual, THEY Discharge the Lords of His Majestie's Privy Council, Session, and Exchequer, and Commissioners of Justiciary, to grant Protections, Licences, or Supersedere's, Certifying such as shall grant the same, that they shall be lyable for the debt, upon which execution is stoped by the said Protection. And to the end such as are accessory may be clearly discovered, They ordain that all Protections, Supersedere's, and Licences, shall be signed by such as grant them; And they declare that their signing thereof shall prove against them their voting thereto, and shall make all who signe them, whether the President of the Court, or others as lyable, as if they had become Cautioners for the said debt: And ordains that these Protections be recorded in the Books of the Court, which granted the Protection, and that extracts thereof under the Clerks hand, shall make faith against the granter. IT IS ALWAIES hereby DECLARED, that it shall be free to the

the Lords of His Majeſties Privy Council, Seſſion, and Exchequer, and the Commiſſioners of Juſticiary, to grant Protections to ſuch as are cited, charged, or required by Law to compear before them, for ſuch few dayes, as they may come and give their appearance, and during their neceſſary ſtay, and ſome few dayes for their return, not exceeding a Moneth in all: The parties who require witneſſes to be cited, or their Tutours and Curatours, if the ſaids parties be Minors, giving their Oaths of credulity, or ſubſcribing a certificat under their hand upon Oath, that theſe who are cited by them to be Witneſſes, are material Witneſſes, which Protections ſhall bear the cauſe for which they are granted. AND LASTLY, It is hereby DECLARED, that it ſhall not only be Lawful to put the Laws in Execution, notwithſtanding of Protections and Licences, granted contrary to this and former Laws, but that if any Meſſenger, or Magiſtrat refuſe to concur, they ſhall be lyable in payment of the debt; And that the Lyon ſhall be likewiſe lyable, if he refuſe to deprive the Meſſenger who refuſes to execute the Law, upon pretence of any ſuch Protection, Licence, or Superſedere.

X.

ACT Concerning Wives Terces.

September. 6. 1681.

OUR SOVERAIGNE LORD Conſidering that ſometimes through the ignorance, and inadvertencie of ſome Writers and Nottars, Clauſes are inſert in contracts of Marriage, containing proviſions by Husbands in favours of their Wives, without mentioning the terce that is due to her by Law, or expreſſing the proviſion to be granted in ſatisfaction of the terce; whereby occaſion is given to Relicts to claime a terce out of their Husbands eſtates by and attour the proviſion conceived in their favours, contrary to the meaning and intention of the parties contracters. FOR REMEED whereof, the Kings Majeſty, with advice and conſent of the Eſtates of Parliament, STATUTES and ORDAINS, That in time coming where there ſhall be a particular proviſion, granted by an Husband in favours of his Wife, either in a contract of Marriage, or ſome other writ, before or after the marriage; That the Wife ſhall be thereby ſecluded from a terce out of any lands or annual-rents belonging to her Husband, unleſs it be expreſly provided in the contract of Marriage, or other Writ containing the ſaid proviſion, that the Wife ſhall have right to a terce, by and attour the particular proviſion, conceived in her favours: But prejudice alwaies to the Lords of Seſſion, to determine as to Contracts of Marriage, or proviſions already made, according to the former Law and Cuſtom.

XI.

ACT Concerning the Regiſtration of Seiſings, and Reverſions of Tenements within Burgh.

September. 6. 1681.

OUR SOVERAIGNE LORD, Conſidering the great ſecurity that this Kingdom enjoyes by the publick Regiſter of Seiſings, and Reverſions, conform to the ſixteenth Act of the 22. Parliament of King *James* the Sixth, holden in Anno 1617. And that there is fully the like reaſon and benefite, that the foreſaid Statute ſhould extend to the whole Kingdom, as well to Burgh, as Landward. THEREFORE His Majeſty, with conſent of his Eſtates of Parliament, STATUTES and ORDAINS, That in time coming, all Inſtruments of Seiſing of Tenements within Burgh Royal, or Liberties, or freedoms thereof holding in Burgage, and all Reverſions, Regreſſes, Bands, or Writs, for making Reverſions, or Regreſſes, Aſſignations thereto, diſcharges thereof, Renounciations of Woodſets, and Grants of Redemption of the ſaids Tenements within Burgh, or the liberties, or freedoms thereof holding Burgage, ſhall be inſert in the Town Clerks Books of the ſeveral Burghs reſpective, within Threeſcore dayes after the date of the ſame, excepting reverſions incorporat in the body of the right; And that the Town Clerk ſhall keep a ſeveral book therefore, depending only upon the Magiſtrats of the Burgh, without neceſſity of any warrand from the Clerk of Regiſter, and minut Books of the ſame, to be quarterly compared and ſigned, by the Proveſt and Bailies of the ſeveral Burghs. IT IS ALWAIES DECLARED, that it ſhall not be neceſſary, to inſert any Bands, or Writs, for making of reverſions, unleſs Seiſings paſs in favours of the parties makers of the ſaids Bands, and Writs: IN THE WHICH CASE, It is ordained that the ſame ſhall be inſert within ſixty dayes after the date of the Seiſing, the extract out of the which Regiſter ſhall make faith in all caſes, except where the Writs ſo inſert are offered, to be improven: And if it ſhall happen any of the ſaids Writs which are appointed to be inſert as ſaid is, not to be duely inſert, within the ſaid ſpace of Sixty dayes: THEN and in that caſe, His Majeſty, with advice and conſent foreſaid, DECERNS the ſame to make no faith in Judgment, be way of action, or exception, in prejudice of a Third partie, who hath acquired a perfect

perfect and Lawful right to the ſaids Tenements, But prejudice alwaies to them to uſe the ſaids Writs againſt the parties makers thereof their Heirs and Succeſſours. AND it is hereby DECLARED, that there ſhall be nothing payed to the Town Clerks for regiſtration of the ſaids Seiſings, but for any poſteriour extracts, they ſhall have the halfe of the rates preſcribed by the Act of Parliament for extracts out of the Regiſters of Seiſings in the particular Shires. And for regiſtrating in the Town's Books, of Reverſions, Aſſignations thereto, or diſcharge thereof, Renounciations, and Grants of Redemption of Wodſets, which were not in uſe to be regiſtrat before in the Towns Books, That they ſhall have the halfe of the rates preſcribed by the Act of Parliament, for regiſtration and extracting the ſame, as ſaid is.

XII

ACT For encouraging Trade and Manufacturies.

September 13. 1681.

OUR SOVERAIGNE LORD, from His Princely care for the Wealth and Flouriſhing of this His Ancient Kingdome, Conſidering that the Importation of Forraign Commodities (which are ſuperfluous, or may be made within the Kingdom, by encouragement given to the Maufacturies thereof) had exceedingly exhauſted the money of the Kingdom, and hightned the Exchange to Forraign places, ſo that in a ſhort time the ſtock of Money behooved to be exhauſted, and the Trade thereof to fail: FOR REMEID whereof, His *Majeſtie's* Privy Council after long and ſerious Deliberation, and advice of the moſt judicious and knowing Merchants of the Kingdom, DID by two Acts of Council of the dates, the firſt of *March*, and eleventh of *April* laſt, and publick Proclamations following thereupon, GIVE encouragement to Manufacturies erected or to be erected in this Kingdom, in manner, and to the effect underwritten: THEREFORE His Majeſty, with advice and Conſent of the Eſtates of Parliament, ſtrictly Prohibits and Diſcharges, all Merchants, and other perſons whatſoever, To Import into this Kingdom, any Gold or Silver threed, Gold or Silver Lace, Fringes, or Tracings, all Buttons of Gold or Silver threed, all manner of Stuffs, or Ribbans in which there is any Gold or Silver threed, all Philagram of Gold or Silver to be worne upon Apparel, and all the Counterfeits of any of them, all flower'd, ſtrip'd, figur'd, chequer'd, painted, or printed Silk Stuffs or Ribbans, (no wayes comprehending changing colloured, or wattered Stuffs or Ribbans), All Embroideries of Silk upon wearing Cloathes: WITHCERTIFICATION, That all ſuch Goods as ſhall be imported contrary hereunto in any time coming, or which have been imported contrary to the ſaids Proclamations, ſhall be burnt and deſtroyed, and the Importers, or Reſſetters fined in the value thereof. LIKEAS His Majeſty, with advice and conſent foreſaid, ſtrictly prohibits and diſcharges the wearing of any of the ſaids prohibited Goods, and Commodities within this Kingdom, by any of His Majeſties Subjects, or others dwelling and reſiding therein, after the firſt of *April* next, under the pain of five hundred merks *Scots* money, *toties quoties*, by and attour the Confiſcation of the Cloathes, uponwhich any of the ſaids prohibited Goods ſhall be found; Allowing hereby to Officers and Souldiers of the Kings whole ſtanding Forces, the ſpace of two years after the firſt of *November* next, to wear out their Cloathes upon which there is any Gold or Silver Lace, Threed, or Buttons. LIKEAS His Majeſty, with conſent foreſaid, ſtrictly prohibits and diſcharges all Merchants and other Perſons whatſoever, to import into this Kingdom, any forraign Holland-Linnen, Cambrick, Lawn, Dornick, Damesk, Tyking, Bouſten, or Damety, Tufted or Stripped Holland, Calligo, Seleſia, or *Eaſt-India* Linnen, & all other Forraign Cloaths & Stuffs, made of Linnen or Cottoun, Wool or Lint: (noways comprehending Flannen, Arras hangings, Forreign Carpets, and made Beds of Silk, Damesk-hangings, Chairs and Stools conform thereto) all forraign Silk or Woolen Stockings, all forraign Laces made of Silk, Gimp or Threed, all forraign Laces or point, of any ſort or collour, all forraign made Gloves, Shooes, Boots, or Slippers, all wearing Cloathes made abroad for Men, Women, or Children, (excepting wearing Cloathes and Linnens brought home by Perſons for their own uſe, who have been Abroad, and uſed by them, and made of ſuch Cloathes, Stuffs, and Furniture as are by this Act allowed to be worne within this Kingdom.) WITH CERTIFICATION, that all ſuch Goods as ſhall be imported contrary hereto, and contrary to the ſaids Proclamations, ſhall be burnt and deſtroyed, and the Importers or Reſſetters thereof fyned in the value of the ſaids Goods. And the Tackſmen, or Collectors of the Cuſtoms; Surveyers, Collectors, Waiters or their Servants, are hereby ſtrictly required, and commanded, to ſearch for, ſeize upon, apprehend, burn and deſtroy any of the ſaids prohibited Goods that ſhall happen to be imported contrary to this Act; With certification to them if they failzie, and ſuffer the ſaids prohibited Goods to be imported, either by tollerance or connivance, they ſhall not only amit and looſe their places, and for ever be incapable to ſerve in that or any ſuch Publick charge, but alſo fyned in the value of the Goods that through their fault or neglect, ſhall happen to be imported; and any Merchant, or other perſon, who ſhall inform againſt any of the Farmourers, Collectors, Surveyers, or Waiters, for neglect of their Duty in the Premiſs, and prove the ſame, ſhall have their Fynes for their reward. LIKEAS, His Maieſty RATIFIES, and APPROVES all Acts already made for the encouragement of the Manufacturies of this Kingdom, and encouragement of Strangers to come thereto, and ſet up their ſeveral Callings therein:

and anent the Weaving and Bleatching of Linnen cloath, declaring, that if any Strangers ſhall come, or be brought into this Kingdom by Natives to ſet up, work, and teach his Art of making of Cloaths, Stuffs, Stockings, Soap, or any kinde of Manufactury, That he ſhall enjoy the benefit of Law, and all other priviledges that a Native doth enjoy: with power to ſet up Manufacturies, either in Burgh or Land-ward, as they ſhall think fit, and there to dwell, and exerciſe their Trade, without any ſtop or trouble; and that they ſhall have liberty and freedom of Trade, and to buy and purchaſe Lands, and Heretages, and all other Goods moveable and immoveable, and all other priviledges, liberties, and capacities that do belong to any Native Subject, born within this Kingdom. And For the Farther encouragement of Manufacturies, all Oyl, dying Stuffs, forraign Wool, Lint, and Flax, Pot-aſhes, or any other Materials whatſoever uſeful for Manufacturies, that ſhall be imported, are hereby declared to be free of Cuſtom and Exciſe, and all other publick Dues in all time coming; and that all Cloaths, Stuffs, Stockings, or any other Commodities to be made, and exported by them, ſhall be free of all Cuſtom and Exciſe, for the ſpace of ninteen years after the date hereof. And it is farther declared, that any ſtock imployed, or to be imployed, for erecting and entertaining any Manufacturies, the ſame ſhall be free of all private and publick Taxes whatſoever, and all quartering and levying of Souldiers; and all the Servants of the ſaids Manufacturies ſhall be free of watching, warding, Militia, or Levies during their actual ſervice therein, for the ſpace of ſeven years after the date hereof. WITH POWER to the Maſters, Erectors, or entertainers of Manufacturies, to meet for making of Ordinances for the Right ordering of their Servants, ſufficiency of their Stuffs, Cloaths, and others, and appointing Viſitors of their Works. AND HIS MAJESTY, with conſent foreſaid, RATIFIES and APPROVES the 43. Act of the 1. Seſſion of His Majeſties 1. Parliament, and the 46. Act of the ſame Seſſion of Parliament, diſchairgeing the exporting of Linnen yarne, Worſteed, Woolen yarne, raw or unwaked Cloaths (except Plaiding, Fingram, and *Galloway* white) under the pain of Confiſcation thereof; And the Act of Parliament ordaining, that Linnen of the price of Ten ſhillings *Scots* the eln, or above, be not under the breadth of an eln and two inches, and that the ſame be taken up by the Selvedge and not by the Ridge, and ſo preſented to the Mercat, and that the ſame be bleatched without Lime, under the penalty of Confiſcation of the Linnen otherwayes taken up, and bleatched, and impriſonment, and Fyning of the perſons tranſgreſſors, not exceeding the value of the Linnen. LIKEAS it is hereby ORDAINED, that hereafter, all Linnen brought to Mercat for publick Sale, be made up of Peeces and half Peeces, and that the Peece contain Twenty four elns, and the half Peece twelve elns, and that it contain not one eln more or leſs, under the pain of confiſcation thereof. And that all Fingram, Plaiding, Linnen, and Woolen Droggats, to be made in time coming, ſhall be of the breadth of three quarters and an nail, all Searges an eln and two inches, and the length of the Peece to be fifty, or fifty two elns to the whole Peace, and the half thereof to the halt Peece, under the penalty foreſaid, and that all the ſaids Peeces, whether Linnen or Woolen, be taken up in Folds, eln or three quarters long, and that none of them be rolled, that thereby the ſufficiency of the whole Peece, may be known, and that the ſame be not ſtretched by the rolling, whereby the meaſure will not hold out; and that under the penalty foreſaid, for all ſuch Cloath otherwiſe taken up and preſented to the Mercat. AND His Majeſty, with ADVICE and CONSENT foreſaid, DOETH Authorize the Lords of His Privy Council, to declare theſe Manufacturies already ſet up, or that hereafter ſhall be ſet up, to be ſuch, to the effect they may enjoy the Priviledges, Liberties, and Immunities granted by the ſaids Acts of Parliament. AND for the more effectual execution of this Act, His Majeſty with advice foreſaid, ORDAINS the Collectors of the Aſſeſsment and Exciſe, and their Sub-Collectors, Farmourers and Collectors of Cuſtoms, and Waiters in Burgh or Land, at every Term to give upon Oath, to the Judges ordinary upon the place by Sea or Land, and Juſtices of Peace, Liſts of all thoſe whom they have ſeen and obſerved to tranſgreſs this Act. And it is hereby declared, that the one half of the Penalties aforeſaid, ſhall belong to themſelves, and the other half ſhall be collected by them for His Majeſties uſe, tryal being firſt taken, and the perſons found guilty by the ſaids Judges ordinary, or the Juſtices of Peace, and ſuch contraveeners as they ſhall not give information of, that the one half of the Fynes ſhall belong to any other perſon who ſhall diſcover them: And in caſe the ſaids Collectors of Aſſeſsment and Exciſe, Farmourers, and Collectors of Cuſtoms, or Waiters ſhall by connivance, or otherwayes Failzie to give up the ſaids Liſts as aforeſaid, they ſhall looſe their Places, and be incapable of that Office for ever. IT IS alwayes hereby provided, That no perſons contraveening this Act, ſhall be lyable to the ſaids Penalties, unleſs they be found guilty within the ſpace of three Moneths after Dilation in manner foreſaid; But prejudice alwayes to any other perſon who ſhall diſcover the contraveeners, and furniſh probation againſt them, of the one half of the penalties, whenſoever they ſhall diſcover them, they being alwayes diſcovered and found gulty, within the time and in manner foreſaid. AND it is hereby DECLARED, That this preſent Act, is, and ſhall be in place of any former ſumptuary Law, in relation to Apparel.

ACT

XIII.

ACT Concerning Declinatours.

September. 13. 1681.

OUR SOVERAIGNE LORD, Conſidering that by the 112. Act 14. Parliament of King *James* the Sixth, It is expreſly Statute and Ordained, that no Senatour of the Colledge of Juſtice, Ordinary, or Extra-ordinary, ſhall ſit or vote in the cauſes of their Father, Brother, and Son. DOETH with advice and conſent of His Eſtates of Parliament, STATUTE and ORDAIN, That this declinatour ſhall for the future be farther extended to degrees of affinitie, as well as conſanguinity, So that in all time coming, No Senatour of the Colledge of Juſtice, Ordinary, or Extra-ordinary, ſhall ſit or vote in cauſes, where the purſuer, or Defender, is either Father, Brother, or Son in Law to him; And alſo that he ſhall not ſit, or vote, in any cauſe, where he is Uncle, or Nephew, to the purſuer, or Defender. AND it is hereby declared, That this Act ſhall be extended to the Lords of Privy Council, and Exchequer, and the Commiſſioners of the Juſticiary, and to all other Judges and Judicatures in the Kingdom, who may be declined where they are related to the party Purſuer, or Defender, in the degrees foreſaids.

XIV.

ACT Reſtraining the exorbitant expence of Marriages, Baptiſms, and Burials.

September. 13. 1681.

OUR SOVERAIGNE LORD, Conſidering the great hurt, and prejudice, ariſing to this Kingdom, by the ſuperfluous expence beſtowed at Marriages, Baptiſms, and Burials. FOR repreſſing of which abuſe in time coming, HIS MAJESTY with advice and conſent of his Eſtates of Parliament, DOES Statute and ORDAIN, That Marriages, Baptiſms, and Burials, ſhall be ſolemnized, and gone about, in ſober, and decent manner. AND that at Marriages, beſides the married perſons, their Parents, Children, Brothers, and Siſters, and the Family wherein they live, There ſhall not be preſent at any contract of Marriage, Marriage, or In-fare, or meet upon occaſion thereot, above four Friends on either ſide, with their ordinary domeſtick Servants, and that neither Bride-groom, nor Bride, nor their Parents, or Relations, Tutours, or Curatours, for them, and to their uſe, ſhall make above two changes of raiment, at that time, or upon that occaſion. Certifying ſuch perſons as ſhall contraveen, if they be landed perſons, They ſhall be lyable in the fourth part of their yearly valued rent, and thoſe who are not landed perſons, in the fourth part of their moveables, Burgeſſes, according to their condition and means, not exceeding five hundred merks Scots, and mean Craftſmen and Servants, not exceeding one hundred merks: And if their ſhall be any greater number of perſons then aforeſaid, in any Houſe or Inn, within Burgh, or ſub-urbs thereof, or within two miles of the ſame, where Penny-weddings are made, That the Maſter of the Houſe ſhall be fined in the ſumm of five hundred merks Scots. AND It is STATUT and ORDAINED, That at Baptiſms upon that occaſion, beſides the Parents, Children, Brothers, and Siſters, and thoſe of the Family, there ſhall not be preſent above four Witneſſes. AND FARTHER His Majeſty with conſent foreſaid STATUTES, and ORDAINS, That their ſhall not be invited to Burials, any grater number of perſons then theſe following, *viz.* To the Burial of Noblemen, and Biſhops, and their Wives, not above One hundred Noblemen and Gentlemen: To the Burial of a Baron of quality, not above Sixty, and other landed Gentlemen, not above Thirty. And that the Mourners at the Burials of Noblemen, and Biſhops, and their Ladies, doe not exceed Thirty, and at the Burials of Privy Counſellers. Lords of Seſſion, Barons, Proveſts of Burghs, and their Wives, the number of Mourners, doe not exceed Twenty four, And at the Burials of all other Landed Gentlemen, and Citizens within Burgh, they doe not exceed the number of Twelve. And prohibits, and diſcharges the uſing, or carrying of any Pencils, Banners, and other Honours, at Burials, except only the eight Branches to be upon the Pale, or upon the Coffin, where there is no Pale, under the foreſaids penalties reſpective, in caſe they contraveen. AND IT IS STATUTE, AND ORDAINED, That there be no Mourning Cloaks uſed at Burials, nor at any other time, under the pain of One hundred pounds Scots.

XV.

ACT Againſt Aſſaſſinations.

September, 13. 1681.

THE KING'S Moſt Excellent Majeſty Conſidering, that notwithſtanding Aſſaſſination be a Crime of a high nature inconſiſtent with, and wholly deſtructive to all human ſociety: Yet ſuch are

the pernicious principles, and wicked practiſes of ſeveral perſons, That they doe aſſert, and maintain theſe villanous, Impious, and horrid Doctrines, and principles. THEREFORE, HIS MAJESTY, With advice and conſent of the Eſtates of Parliament DOETH STATUTE, and ORDAIN, That not only all ſuch perſons who ſhall aſſaſſinat, But that all who ſhall maintain, or aſſert, That it is lawful to kill any man upon difference in opinion, or becauſe they have been imployed in the ſervice of the King, or of the Church, as it is preſently eſtabliſhed by Law, ſhall incur the pain of Treaſon, and be puniſhed by tinſel of Life, Lands, and Goods. AND Remembring with horrour, the execrable murder of that moſt Reverend,& Worthy Prelat *James* late Arch-Biſhop of Sanct-*Andrewes*, Lord Primat of *Scotland*, (who deſerved ſo well of this Church, and Monarchy, for his eminent ſervices to both) DOE Ordain the Sherriff of Fife and his deputs, To make weekly ſearches in theſe places, where it is, or may be, ſuſpected theſe Aſſaſſinats doe reſide, that they may be brought to Juſtice, and examplarly puniſhed. And likewiſe ordains all other Sherriffs, and Magiſtrats, upon Information that thoſe Aſſaſſines are within their bounds, To make ſearch for and apprehend them, that they may be brought to Juſtice. AND DOE hereby Ratifie the former Acts of Council againſt ſuch as ſhall reſſet thoſe Murderers.

XVI.

ACT Concerning the Juriſdiction of the Admiral Court.

September 14. 1681.

OUR SOVERAIGNE LORD, Conſidering that the clearing and eſtabliſhing the Juriſdiction of the High Admiral of this Kingdom, will greatly tend to the advancement, and encouragment of Trade, and *Navigation*. THEREFORE His Majeſty, with advice and conſent of the Eſtates of Parliament, DOETH Ratify and approve the 15. Act of the 12. Parliament of King *James* the Sixth, in the whole Heads, Clauſes, and Articles of the ſame, And Decerns, and Declares, the High-Court of Admirality to be a Soveraigne Judicature in it ſelf, and of it's own nature to Import ſummar execution. And STATUTES and DECLARES, That the ſaid High Admiral, as he is His Majeſties Leive-tenent, and Juſtice General upon the Seas, and in all Ports, Harbours, or Creiks of the ſame, and upon Freſh waters, or Navigable Rivers below the firſt bridges, or within the flood marks, ſo far as the ſame does, or can at any time extend; So the ſaid High Admiral hath the ſole Priviledge and Juriſdiction, in all Maritim and Sea-faring cauſes, forreign and domeſtick, whether civil or criminal whatſoever within this Realm, and over all perſons as they are concerned in the ſame. And Prohibits, and Diſcharges all other Judges to meddle with the deciſion of any of the ſaids cauſes in the firſt inſtance, except the Great Admiral, and his Deputs allennarly. And STATUTES, ORDAINS and DECLARES, that it is the Priviledge of the ſaid High Admiral, to cauſe parties become enacted, and find Caution, not only for compearance, but for performance, of the Acts and Sentences of his Court, and that he may puniſh all breakers of his arreaſtments, and reſiſters of his Officers, in the Execution of his precepts, and apply the fines, and amerciaments to his own uſe, conform to the Laws of the Kingdom. And farther STATUTS and DECLARES, that the High Court of Admirality is a ſupreme Court, and that the Decreets and Acts of all other Inferiour Courts of Admirality, are ſubject to the review, and reduction, of the ſaid High Court of Admirality. AND for the more ready and quick diſpatch of Juſtice, in Maritim, and Sea-faring cauſes, forreign and domeſtick, whether Civil or Criminal within this Realm, and over all perſons in ſo far as they are concerned in the ſame, both to Natives and Strangers, OUR SOVERAIGNE LORD with advice and conſent foreſaid Prohibits and Diſcharges all Advocations in the foreſaids cauſes, from the ſaid Court of Admirality to the Lords of Seſſion, or any other Judges whatſoever in all time coming, and that no ſuſpenſion or other ſtop to the Execution of the Decreets, or Acts, of the ſaid Court of Admirality, be paſt be the Lords of Seſſion, at any time hereafter, except by the whole Lords, in *præſentia*, in time of Seſſion, and by three of the ſaids Lords the time of Vacance met together to that effect: And that if any ſuſpenſions, or ſtops ſhall happen to be paſt in manner foreſaid, the ſame be ſummarly diſcuſſed upon a Bill, and be Priviledged and exeemed from the ordinary courſe of the Roll: And if upon diſcuſſing thereof, the ſame ſhall be found to have been unjuſtly, and malitiouſly raiſed, That the ſaid High Court of Admirality, may upon the Application made by the Parties concerned, Modifie, and Decern the Damages they have ſuſtained by the ſaids ſuſpenſions, and ſtops of execution of their Acts and Decreets, attour the expences of plea before the Lords of Seſſion, which is to be modified by the ſaids Lords of Seſſion. AS ALSO His Majeſty with advice and conſent foreſaid, STATUTES and ORDAINS, That it ſhall be lawful and competent to the ſaid Court of Admirality, to review their own Decreets and Sentences, if there be juſt occaſion for the ſame. And His Majeſty with advice and conſent foreſaid DECERNS and DECLARES, That it is the ſole Right and Priviledge of the High Admiral, and his Deputs, the Judges of the High Court of Admirality, To grant paſſes, and ſafe conducts to all Ships; And Inhibits and Diſcharges, all others to grant the ſame, as they will be anſwerable upon their higheſt peril. And His Majeſty with advice and conſent foreſaid Caſſes, Annuls, and Reſcinds, all and whatſoever Laws, Acts of Parliament, or Cuſtoms, contrary to, or any wayes inconſiſtent with this preſent Act.

XVII.

ACT Concerning the Sale of Bankrupts Lands.

September, 14. 1681.

OUR SOVERAIGNE LORD, Conſidering, that when the Eſtates and Lands of Bankrupts are affected with Adjudications, Compriſings, and other real Rights, exceeding their value, It oftimes fals out that the Creditors do not agree to ſell the Lands, whereby ſuch as have ſmall ſums upon ſuch ſecurities, cannot command any part thereof, and ſuch Eſtates do oftimes become ineffectual to many Creditors. THEREFORE, His Majeſty, with conſent of His Eſtates of Parliament, DOTH authorize, and impower the Lords of the Seſſion (upon a Proceſs at the inſtance of any Creditor having a real Right) To cognoſce, and try the value of ſuch Eſtates, where the Heretor is notoriouſly Bankrupt, and the Creditors in poſſeſſion of the Eſtate, and to value the ſame according to the true worth thereof, in its Rents, Caſualities, Rights, and Holdings, according to the uſe and cuſtom of the Country where the Lands ly, And to commiſſionat perſons to ſell theſe lands, and Eſtate, or any part thereof, at the ſaids rates, or more, as can be had for the ſame, with conſent of the debitor, where there is a legal reverſion competent to him, and without his conſent where there is no legal: And ordains the ſaid ſale to be by a publick Roup, not being under the rate, and price, appointed by the Lords of Seſſion; and that the Roup be made after publick intimation at the Mercat-croſs of the head Burgh of the Shire where the Lands lye, and at the head Burgh of the Bailiary, Stewartry, or Regality, if they ly within the ſame, and at the Paroch Kirk where the Lands ly, and at ſix other adjacent Paroch Kirks, (to be named by the Lords of Seſſion) at the diſſolving of the Congregation, on a Sunday after the forenoon's Sermon, by letters of intimation under the Signet, upon the Lords deliverance: Which letters ſhall ſpecially expreſs the time, and place of the Roup; And the Creditours having real rights and in poſſeſſion ſhall be ſpecially cited, upon Twenty one dayes, and all other perſons concerned, whether within or without the Kingdom, at the Mercat-croſs of the head Burgh of the Shire, Stewartry, or Regality, and at the Mercat-croſs of *Edinburgh*, and Peer and Shoar of *Leith* upon ſixty dayes, and a copy of the ſaid intimation ſhall be affixed at all the places foreſaids, expreſſing the Lands to be Rouped, the price appointed by the Lords of Seſſion, and the time, and place of the Roup. Which alienation ſo made, and reported to the Lords, and by their warrand regiſtrat in the Books of Council and Seſſion, HIS MAJESTY, with conſent foreſaid, DECLARES, to be as effectual upon payment of the price, as if the ſame were made by the Debitor, and all the Appriſers, Adjudgers, or other Creditors, who are ſo cited, and have any rights affecting the ſaids Lands, and that a Signature ſhall paſs thereupon in Exchequer, and an warand for charging the Superior to enter the Purchaſer, upon payment of a years rent, DECLARING alwaies that the price which ſhall be gotten for the ſaids Lands conform to the Roup ſhall be diſtribut by the Commiſſioners appointed to ſell the Lands, or by the Purchaſer of the ſame, amongſt the Creditours proportionally, according to their ſeveral ſums, rights, and diligences, as they are, or ſhall be ordered, and found preferable by the ſaids Lords, whether the ſaids Creditors have compeared, or not.

XVIII.

ACT Aſſerting His Majeſtie's Prerogative in point of Juriſdiction.

September 16. 1681.

THE ESTATES of Parliament conſidering that all Government, and Juriſdiction within this His Majeſties Ancient Kingdom of *Scotland*, does orginally reſide in his Sacred Majeſty, his lawful Heirs, and Succeſſours: And though His Majeſty, and his Royal Predeceſſours, have beſtowed Offices, and Juriſdictions, upon ſeveral of his well deſerving ſubjects, yet theſe are not privative of his Juriſdiction, They doe therefore, in a dutiful, and humble Recognizance of His Majeſties Royal Right, and Prerogative as to this point, DECLARE, that notwithſtanding of theſe Juriſdictions, and Offices, His Sacred Majeſty may by himſelf, or any commiſſionated by him, take Cognizance, and Deciſion, of any caſes, or cauſes, he pleaſes.

XIX.

ACT Concerning the Oaths of Minors.

September 16. 1681.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, taking to their ſerious conſideration, the great abuſes which may be committed againſt Minors, within twenty one years of Age compleat,

by cauſing them ſubſcribe Bonds of borrowed Money, Contracts of Alienation of their Lands, Diſpoſitions, Diſcharges, and other Writs of Importance, and ratifie the ſame by Oath, ſwearing that they ſhall never come in the contrary, thereby depriving them of all the benefite of Revocation, Reduction, and Reſtitution *in Integrum*, allowed to them by the Laws of this Kingdom, where ſuch Oaths are not made. IT IS THEREFORE Statute and Ordained, by the King's Majeſty, with advice and conſent of the ſaids Eſtates, That no ſuch Oaths ſhall be exacted in time coming; And in caſe of Contravention, Declares the Contract to be void and null, and that no Execution ſhall paſs thereupon, And Declares the Elicitor, or Exacter of the Oath to be Infamous: And it is hereby declared, that it ſhall be competent to any Perſon related to the Minor, to obtain the ſaids Writs to be declared void and null, be way of Action, exception, or reply.

XX.

ACT Concerning Bills of Exchange.

September. 16. 1681.

OUR SOVERAIGNE LORD, Conſidering how neceſſary it is for the flouriſhing of Trade, That Bills or Letters of exchange be duely payed and have ready Execution, conforme to the Cuſtom of other parts, DOETH THEREFORE, with advice and conſent of his Eſtates of Parliament, STATUTE and ORDAIN, that in caſe of any Forraign Bill of Exchange, from or to this Realm duely proteſted for not acceptance, or for not payment, the ſaid Proteſt having the Bill of Exchange, prefixed, ſhall be Regiſtrable within ſix Moneths after the date of the ſaid Bill, in caſe of non-acceptance, or after the falling due thereof, in caſe of non-payment, in the Books of Council and Seſſion, or other competent Judicatures, at the inſtance of the perſon to whom the ſame is made payable, or his Order, either againſt the Drawer, or Indorſer, in caſe of an proteſt for non acceptance, or againſt the Accepter, in caſe of a proteſt for non-payment, to the effect it may have the Authority of the Judges thereof, interponed thereto, that Letters of Horning upon a ſimple charge of ſix dayes, and others executorials neceſſary may paſs thereupon, for the whole ſums contained in the Bill, as well Exchange, as Principal, in forme as effeirs, ſicklike, and in the ſame manner, as upon regiſtrat Bonds, or Decreets of Regiſtration, proceeding upon conſent of Parties. PROVIDING alwayes, That if the ſaids Proteſts be not duly Regiſtrat within ſix Moneths, in manner above provided, Then and in that caſe, the ſaids Bills and Proteſts, are not to have ſummar Execution, but only to be purſued by way of Ordinary Action, as accords. AND FARTHER, It is hereby STATUTE, and ENACTED, That the ſums contained in all Bills of Exchange, bear Annual-rent, in caſe of not acceptance from the date thereof, and in caſe of Acceptance, and not payment, from the day of their falling due, ay and while the payment thereof. AND FARTHER His Majeſty with advice foreſaid, hereby Declares, That notwithſtanding of the foreſaid Summar Execution provided to follow upon Bills of Exchange, for the ſums therein contained, in manner above ſpecified; Yet it ſhall be leaſom to the party charger to purſue for the exchange, if not contained in the ſaids Bills, with re-exchange, damage, intereſt, and all expences, before the Ordinary Judge, or in caſe of Suſpenſion, to eek the ſame to the Charge at the diſcuſſing of the ſaid Suſpenſion, To the effect, that the ſame may be liquidat, and Decreet given therefore, either againſt the party principal, or againſt him and his Cautioners, as accords.

XXI.

ACT Concerning the Election of Commiſsioners for Shires.

September. 17. 1681.

OUR SOVERAIGNE LORD, Conſidering, the great delay in diſpatch of publick Affairs in Parliament, and Convention of Eſtates, occaſioned by the contraverted Elections of Commiſſioners for Shires: FOR preventing whereof, and for clearing the orderly way of Election of the ſaids Commiſſioners in time coming. THEREFFORE His Majeſty, with advice and conſent of His Eſtates of Parliament, STATUTES and ORDAINS, That none ſhall have vote in the Elections of Commiſſioners for Shires, or Stewartries, which have been in uſe to be repreſented in Parliament and Conventions, but thoſe who at that time ſhall be publickly Infeft in property, or ſuperiority, and in poſſeſſion of a Fourty ſhilling Land of old extent holden of the King or Prince, diſtinct from the Few Duties in Few Lands, or where the ſaid old extent appears not, ſhall be infeft in Lands lyable in publick Burden for His Majeſtie's ſupplies for Four hundred pounds of valued Rent, whether Kirk-lands, now holden off the King, or other Lands holding Few, Waird, or Blench off His Majeſty, as King or Prince of *Scotland*, And that Appriſers or Adjudgers, ſhall have no vote in the ſaids Elections during the legal reverſion, and that after the expiring thereof, the Appriſer or Adjudger firſt Infeft ſhall only have Vote, and no other Appriſer or Adjudger coming in *pari paſſu*, till their ſhares be divided, that the extent or valuation thereof may appear; And that during the legal

legal the Heretor having right to the Reverſion ſhall have vote: And Likewiſe proper Wodſetters, having Lands of the holding, extent, or valuation foreſaid, which Rights to vote proceeding upon expired compriſing, adjudication, or proper Woodſet, ſhall not be queſtionable, upon pretence of any order of Redemption, payment, and ſatisfaction, unleſs a Decreet of Declaratour, or voluntar Redemption, Renounciation, or reſignation be produced, and that appeirand Heirs being in poſſeſſion by vertue of their Predeceſſors Inſeirment of the holding, extent and valuation foreſaid, And likewiſe Liferenters, and Husbands for the Free-holds of their Wives, or having right to a Liferent by the Courteſie of the ſaids Liferenters, claime their Vote, otherwayes the Fiar ſhall have Vote, but that both Fiar, and Liferenter ſhall not have Vote, unleſs they have diſtinct Lands, of the Holding, Extent, or Valuation foreſaid, but that no perſon Inſeſt for relief, or payment of ſums, ſhall have Vote, but the granters of the ſaids Rights, their Heirs, or Succeſſors. LIKEAS His Majeſty ORDAINS, the whole Free-holders of each Shire, and Stewartry, having election of Commiſſioners, To meet and conveen at the head Burghs thereof, and to make up a Roll of all the Free-holders within the ſame, whether lying within Stewartries, not having Commiſſioners, or Bailiaries of Royalty, or Regality, or without the ſame, upon the firſt Tueſday of *May* next to come, according as the ſame ſhall be inſtructed to be of the holding, extent or valuation foreſaid, containing the Names and Deſignations of the Fiars, Liferenters, and Husbands, having right to vote for the ſame, in manner above written, and expreſſing the extent, or valuations of the ſaids Free-holders, with power to continue, or Adjourn their Meetings untill the ſaid Roll for Elections be fully compleat. LIKEAS, The ſaids Free-holders ſhall meet and conveen, at the Head Burghs of the ſaids Shires, & Sterwartries *reſpective*, at the Michaelmas head Court yearly thereafter, and ſhall reviſe the ſaid Roll of Election, and make ſuch alterations therein, as have occurred ſince their laſt Meeting, from time to time; which Roll for Election ſhall be inſert in the Sheriff, or Stewart books, particularly appointed for that end, according as they ſhall be ſtated each Michaelmas Court; And at the Election of Commiſſioners, either at the Michaelmas Court, or at the calling of Parliament, or Conventions, the ſaids Free-holders ſhall meet and conveen at the Head-Burgh of the Shire, or Stewartry in that Rowm, where the Sherriff or Stewart Court uſeth to be held, betwixt mid-day, and two afternoon, which Rowm ſhall be patent to them, and all others removed, but whom they call, and the firſt or ſecond Commiſſioner laſt Elected, or in their abſence the Sherriff or Stewart Clerk ſhall ask the Votes who ſhall preſide, and who ſhall be Clerk to the Meeting, and in caſe any alteration have happened in the ſaid Roll of Elections ſince the laſt Meeting, the perſons then coming to have right to Vote, ſhall be inſert in the Roll, and there ſhall no objection be admitted againſt any Inſert in the ſaid Roll as ſaid is, but what ſhall be propounded before they begin to vote to Election: And if the Objecters ſhall not be cleared, and acquieſce, they ſhall take Inſtruments containing their Objections againſt the admitting to, or excluding any perſon from the foreſaid Roll: AND It is Hereby Declared, that no other Objection ſhall be competent in Parliament or Convention, but what ſhall be contained in the Inſtruments taken, as aforeſaid: And in caſe Objections be made when a Parliament or Convention is not called, a particular Diet ſhall be appointed by the Meeting, and intimat to the Parties contraverting, to attend the Lords of Seſſion, for their determination, who ſhall determine the ſame at the ſaid Diet ſummarly according to Law, upon Supplication without farther Citation. And it is hereby Declared, that Horning for a civil Cauſe, or Non-reſidence, ſhall be no ſufficient Objection, but that the Minority being inſtantly verified ſhall be a ſufficient Objection, or the not taking the *Teſt* appointed by the ſixth Act of this preſent Parliament, which is hereby ordained to be ſubſcribed by all the Voters in Preſence of the Meeting; before they proceed to the Election, and recorded in the Sherriff Court Books, and ſo returned with the Commiſſion to the Clerk of Regiſter. And if the Perſons Objected againſt, ſhall appear at the Parliament, or Convention, and inſtruct the Right to Vote, the Objecter ſhall pay their expences, and be farther Fined in Five hundred Merks: And if the Objection be ſuſtained in Parliament, the Objecters appearing ſhall have their expences, and the Party Objected againſt ſhall be Fined in Five hundred Merks. And to the effect that ſufficient advertiſement may be given to all parties having Vote in Election, who are to elect at the calling of a Parliament, or Convention, the Sherriffs and Stewards, are hereby ordained to make Publication of the Call and Diet of the ſaid Parliament, and Convention, and of the Diet appointed for Election, and that at the Head-Burgh of the Shire or Stewartry, upon a Mercat day betwixt ten and twelve in the Forenoon; And alſo ſhall make the like Intimation at each Paroch Kirk, on Sunday immediatly thereafter, which Diets for Election, ſhall at leaſt be twelve dayes before the Meeting of Parliament, or eight dayes before the meeting of a Convention, that the Commiſſioners elected may have ſufficiency of time to keep the Diet of the Parliament or Convention. LIKEAS His Majeſty with conſent foreſaid, STATUTES and ORDAINS, the whole Heretors, Liferenters, and Wodſetters, within each Shire, and Stewartry, to contribute for the charges of the Commiſſioners thereof, according to their valuation, except only thoſe who hold of Noblemen, or Biſhops, or Lands belonging to Burrows Royal in Burgage: And alſo to the expences of the Foot-Mantles.

XXII.

ACT Appointing the Quorum *of the Juſtice Court in time of Vacance.*

September 17. 1681.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, DOE STATUTE and ORDAIN, that in time of Vacance of the Seſſion, Three of the Commiſſioners of Juſticiary, ſhall be a ſufficient *Quorum*, who ſhall meet at *Edinburgh* in the Moneth of July yearly, any thing contained in the ſixteenth Act of the Third Seſſion of his Majeſties ſecond Parliament contrary thereto notwithſtanding.

XXIII.

*ACT In favours of the Univerſity of Sanct-*Andrewes, *Appointing halfe a Moneth's Ceſs to be raiſed for their uſe.*

September 17. 1681.

OUR SOVERAIGNE LORD Conſidering the ſmall and incompetent proviſions and ſallaries, at preſent poſſeſt by the Maſters, and Profeſſours, in his famous and Ancient Univerſity of Sanct-*Andrews*; Whereby learning is in great hazard to languiſh, and decay: DOETH for encouragment, and advancement of Learning, with advice and conſent of his Eſtates of Parliament, STATUTE and ORDAIN, That halfe a Moneths Ceſs be Impoſed upon the Land-rent of this Kingdom, to be payed into the Caſh-keeper, with the ſecond terms payment of the Ceſs in the years 1682 and 1683; And the money being payed in as aforeſaid, ſhall be ſtocked in for the uſe of the Univerſity foreſaid, and divided in it's juſt proportions, to the ſeveral Maſters, and Profeſſours in the ſeveral Colledges therein, by the advice and authority of his Majeſties Privy Council.

XXIV.

ACT Ordaining Bread, and Butcher-Fleſh, to be ſold by Weight.

September 17. 1681.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, Conſidering how neceſſary it is for the good of the ſubjects, That Bread and Fleſh, ſhould be within Burgh and Land ſold in retail by Weight, and no otherwayes. DOE THEREFORE Statute and Ordain that in all time coming, Bread, and all Butcher-Fleſh, as Beeff, Veall, Lamb, and Swine-fleſh, ſhall be ſold by Weight, when the ſame is ſold in retail, and no otherwayes, under the pain of One hundred pounds Scots, *toties quoties.*

XXV.

Additional ACT, Concerning the Teſt.

September 17. 1681.

OUR SOVERAIGNE LORD and Eſtates of Parliament DOE hereby STATUTE and ORDAIN that the Teſt appointed by the ſixth Act of this Parliament, to be taken by all perſons in publick Truſt, ſhall be taken by the Admiral-deputs, Judges of the High Court of Admirality, and all Members of that Court, and all particular Admiral-deputs within the Kingdom: The Director of the Chancellary, and all Writters in that Office; The Writter to, and under keeper of the Privy Seale, Surveyers, Waiters for the King's Cuſtoms and Exciſe through the Kingdom, The King's Sollicitor, the Lyon Clerk, and by all ſuch as ſhall be commiſſionated to the Convention of Burrows, at their firſt *Sederunts* in their Courts, and in the ſaid convention; And ORDAINS all Captains and other Commiſſionat Officers of the Train-bands in Burghs, and ſuch as have any voice in Electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the ſaid Teſt before the Magiſtrats of the reſpective Burghs, and the Deacons of the ſaids Trades reſpective before their reſpective Elections. And alſo ORDAINS all perſons who ſhall be named Commiſſioners for revaluations, or rectifying valuation of Lands, to take the foreſaid Teſt, under the pains contained in the ſaid Act of Parliament: And that all perſons who have heretable Offices from the King, not mentioned in the foreſaid Act, ſhall take the foreſaid Teſt, in preſence of the Lords of Exchequer betwixt and the firſt of January, wherein if they faill, They ſhall loſe their Offices, and caſualities thereof during their lifetime.

ACT

XXVI.

ACT Concerning Publick Debts.

September 17. 1681.

OUR SOVERAIGNE LORD Conſidering that diverſe Noblemen, Barrons, and Burrowes as well Members of Committees, Commiſſars-General, and their deputs, as others of this Kingdom, during the time of the late troubles, and Rebellion, did give their bonds for ſeveral great ſums of money; Which albeit bearing for Borrowed money, were imployed for the uſe of the Publick, and for ſecurity whereof, the pretended authority for the time, did by Acts of pretended Parliaments, during theſe troubles, bind and oblidge the Eſtates of the Kingdom, to warrand, and relieve the Members of the ſaids Committees, and all other Perſons whatſoever, who had given bonds or ſecurity, for any ſums imployed for the uſe of the Publick, And that upon the reſcinding of theſe pretended Parliaments, HIS MAJESTY and Eſtates of Parliament, after his happy Reſtauration, in *Anno* 1661, for ſecurity of all ſuch perſons bound in theſe Bonds, did by an Act in that Parliament, ſuſpend all execution, as well Real as Perſonal againſt the ſaids Perſons, or their Heirs upon the foreſaid Bonds, till the next Parliament: AND alſo in the ſubſequent Parliament holden in the year 1669, did continue the foreſaid ſuſpenſion, ay and while the foreſaids Debts ſhould be conſidered in Parliament. AND HIS MAJESTY now Conſidering, that the ſums contained in the ſaids Bonds, granted by the foreſaids perſons, were imployed for the uſe of the Publick, during the time of the ſaid Rebellion, and that the ſaids perſons by the reſcinding of the foreſaids Parliaments, are cut off from the Benefit of any reliefe granted, or contained, in any of the ſaids pretended Acts in their favours. THEREFORE, the King's Majeſty, with advice and conſent of the Eſtates of Parliament, by this preſent ACT, Exoners, and perpetually diſcharges, the ſaids Noblemen, Barons, and Burrowes, and all others granters of the ſaids Bonds, their Heirs, Executors, and Succeſſours, of the ſaids Debts, and Bonds granted thereupon, and of all diligence, Purſute, Action, or Execution thereupon competent, as well Real as Perſonal, bygone or in time coming, And declares them and their foreſaids, quit and free thereof for ever. PROVIDING alwaies that no Perſons ſhall have the Benefit of this Act unleſs they take the *Teſt* appointed by the ſixth Act of this preſent Parliament. DECLARING that the principal Debitour in theſe Bonds taking the *Teſt*, the Cautioner ſhall be free, and if the Principal refuſe to take the *Teſt*, the Cautioner taking the ſame, ſhall be free as to his part. EXCEPTING alwaies the Heirs, Executors and Succeſſors of the deceaſed Duke of *Rothes* late Lord Chancellour, who in Reſpect of his Eminent Loyalty and Service to His Majeſty, are hereby abſolutly exonered and diſcharged of the ſaids Debts, without neceſſity of taking the foreſaid *Teſt*, upon the account foreſaid allennarly; AND ALSO EXCEPTING Minors who ſhall not be oblidged to take the *Teſt* upon the foreſaid account, Untill they attain to the years of Majority. And in Regard there were Debts contracted be the Earles of *Caſſils* and *Louthian* and others with them in the year 1650. for his Majeſties Service. For which they granted their own Bonds, and which are mentioned in an Act of Parliament paſt in their favours, in the year 1661, HIS MAJESTY with conſent foreſaid Diſcharges all Action and Execution for the ſums contained in theſe Bonds againſt the ſaids Earles and Others, who were bound with them and their Succeſſours, in Reſpect the ſame is a publick Debt, The money having been Borrowed for His Majeſtie's ſervice as ſaid is.

XXVII.

ACT Anent the Prices of French and Spaniſh Salt.

September 17. 1681.

OUR SOVERAIGNE LORD Out of his Princely care to encourage the Manufacturies and other publick Works of this his Ancient Kingdom, and to prevent the Unneceſſary Importation of forreign commodities and the exorbitant prices that may be exacted from the Leiges. THEREFORE His Majeſty with advice and conſent of the Eſtates of Parliament, DOETH Erect and Declare All the Salt-works of this Kingdom to be free and publick Manufacturies: Endowing them, with all the Priviledges, Liberties, and Immunities, granted by Law in favours of any Manufactury, within this Kingdom. AS ALSO HIS MAJESTY Conſidering that the In-land Salt of this Kingdom, is ſufficient for all other uſes except the curing of Fiſhes, and Beeff exported, And that the forreign Salt which ſhall be imployed for the uſe of the Nation, may be furniſhed at the rates following: THEREFORE His Majeſty with advice and conſent foreſaid, DOTH Statute, and Ordain, That all Importers of French Salt, or Retailers thereof, at the places, or Ports, where the ſame is imported, ſhall not upon any pretence whatſoever, exact more from the Leiges, then Five pounds *Scots* for the *Lanlithgow*

Boll of French Salt, Including the Forty ſhillings per Boll to his Majeſty for Exciſe: And that Importers and Retailers of Spaniſh Salt, ſhall not exceed ſix pounds for the *Linlithgow* Boll thereof, including likewiſe the Exciſe, under the penalty of One Hundred pounds Scots, *Toties quoties*, for each Boll they ſhall ſell above the rates foreſaids, the one half thereof to his Majeſtie's uſe, and the other half to the Diſcoverer, who ſhall have power to purſue the Importers, who ſhall contraveen this Act before the Judges Ordinary. IT IS ALWAIES hereby DECLARED, That this Act ſhall be but prejudice of His Majeſties Prerogative aſſerted by the Twentieth and ſixt Act of the Third Seſſion of His Majeſties firſt Parliament, And that His Majeſty may alter the ſaids rates, upon ſuch occaſions as ſhall ſeem neceſſary to him, In His Royal Wiſdom.

XXVIII.

ACT Salvo jure Cujuſlibet.

September 17. 1681.

OUR SOVERAIGNE LORD, Taking to conſideration, that there be many Acts of Ratifications, and others paſt and made in this Seſſion of Parliament, in favours of particular Perſons, without calling, or hearing, of ſuch as may be thereby concerned, or prejudged: THEREFORE His Majeſty with advice and conſent of the Eſtates of Parliament, STATUTES, and ORDAINS, That all ſuch particular Acts, and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any Third party of their lawful Rights, nor of their Actions, and defences competent thereupon, before the making of the ſaids particular Acts, and Acts of Ratification; And that the Lords of Seſſion, and all other Judges of this Kingdom, ſhall be oblidged to Judge betwixt parties, according to their ſeveral Rights ſtanding in their Perſons, before the making of the ſaids Acts: All which are hereby exponed, and declared, to have been made *Salvo jure Cujuſlibet*. EXCEPTING alwaies, the Act paſt in this preſent Parliament, diſcharging perſons of bonds given by them in the time of the late Rebellion, for ſums imployed for the uſe of the publick, which is declared to be no wayes comprehended herein.

XXIX.

ACT, Of *Adjournment*.

September 17. 1681.

THE KING'S MAJESTY, Declares this Parliament Current, and Adjourns the ſame, To the firſt day of March next, One thouſand, ſix Hundreth, eighty and two years. AND ORDAINES all Members of Parliament, to attend that day; And that there be no new Elections, of Commiſſioners, from Shires, or Burghs, except upon the death of ſome of the preſent Commiſſioners.

THO: MURRAY. Cl^{s}, Reg.

FINIS.

A TABLE

Of the Printed ACTS.

1 *ACT Ratifying former Laws ſecuring the Proteſtant Religion.*
2 *Act aſſerting the Right of Succeſſion to the Imperial Crown of this Kingdom.*
3 *Act for a voluntary offer of a new Supply to His Majeſty.*
4 *Act for ſecuring the Peace of the Country.*
5 *Act concerning Probative Witneſſes in Writs and Executions.*
6 *Act anent Religion, and the Teſt.*
7 *Act diſcharging the Summer Seſſion.*
8 *Act for continuation of the Exciſe.*
9 *Act againſt Perſonal Protections.*
10 *Act concerning Wives Terces.*
11 *Act concerning the Regiſtration of Seiſings, and Reverſions, of Tenements within Burgh.*
12 *Act for encouraging of Trade and Manufacturies.*
13 *Act anent Declinatours.*
14 *Act for reſtraining the exorbitant expence of Marriages, Baptiſms, and Burials.*
15 *Act againſt Aſſaſſinations.*
16 *Act concerning the Juriſdiction of the Admiral Court.*
17 *Act concerning the Sale of Bankrupts-lands.*
18 *Act aſſerting his Majeſties Prerogative in point of Juriſdiction.*
19 *Act concerning the Oaths of Minors.*
20 *Act concerning Bils of Exchange.*
21 *Act Concerning the Election of Commiſsioners for Shires..*
22 *Act appointing the* Quorum *of the Juſtice Court, in time of Vacance.*
23 *Act in favours of the Univerſity of St.* Andrewes, *appointing halfe a Moneths Ceſs to be raiſed for their uſe.*
24 *Act ordaining Bread, and Butcher-Fleſh, to be ſold by Weight.*
25 *Additional* Act *concerning the Teſt.*
26 *Act concerning Publick Debts.*
27 *Act anent the prices of* French, *and* Spaniſh *Salt.*
28 *Act* Salvo jure Cujuſlibet.
29 *Act of Adjournment.*

FINIS.

A TABLE

Of the Acts, and Ratifications, paſt in this firſt Seſſion, of His Majeſtie's Third Parliament, and which are not here Printed.

Proteſtation by ſome Noblemen, and Others, Commiſſioners from Shires, and Burghs, concerning their precedencie in the Rols of Parliament.

His Majeſtie's Letter to the Parliament, With the Parliament's Anſwer,

Act for yearly Fairs, and weekly Mercats, to ſome Noblemen, and Others, with ſome Proteſtations againſt the ſame.

Act in favours of the Laird of *Langtoun*, for changing a high way near to the Houſe of *Langtoun*.

Act in favours of the Laird of *Langtoun*, for Regiſtrating in the records of Parliament, a Charter granted by King *Robert* the Second, to his Predeceſſours, of the office of Heretable Principal Uſher to the Parliament.

Act in favours of the Earl of *Airley*, againſt Maſter *John Dempſter* of *Pitliver*, anent a Preſcription.

Act anent the Election of Commiſſioners within Burghs Royal, for Parliaments, and Conventions.

Act in favours of the Town of *Edinburgh*, anent the Conduit of water brought thereto.

Act diſcharging the theiking of Houſes within the Town of *Edinburgh*, and ſome Other Burghs Royal, with Straw, Bent, or Heather, and appointing the ſame to be done with Lead, Scailie, or Tile.

Act anent the Mortification made be *Thomas Mudie*, for building a Kirk in *Edinburgh*.

Act in favours of the Earl of *Queensberry*, anent a blank Bond given be him.

Act in favours of the Shire and Town of *Dumfreis*, anent a Cuſtom upon the watter of *Nith*.

Act anent the Salmond fiſhing in the watter of *Nith*.

Act anent the Commiſſioners fies in the Shire of *Dumfreis*.

Act anent the Lord of *Belhaven*.

Act declaring the Sugar-works at *Glaſgow* to be a Manufactury.

Act declaring the Woolen-work of the Searge, called Searge *de Neim*, and others Stuffs erected be *James Armour* Younger, to be a Manufactury.

Act in favours of the Earl of *Wintoun*, anent the disjunction of the Lands of *Wintoun*, from *Pencaitland*, and annexing the ſame to *Tranent*.

Act in favours of the ſaid Earl, for exeeming of his Coale, and Salt, from bearing any Publick burden.

Proteſtation be the Laird of *Ormeſtoun* againſt the ſame.

Act in favours of the Lady *Lockhart*, againſt her Son.

Act in favours of the Town of St. *Andrewes*, anent their ſtent, and ſtent Maſters.

Commiſſion for reviſing the Laws.

Act in favours of the Lord *Lyon*.

Act for Rectification of Valuations, and declaring that Coale, and Salt, is not to bear any part of the Supply.

Act reſcinding ſome Articles of the Regulation concerning Advocats, Clerks, and Writters.

Act authorizing His Majeſtie's privy Council to name and appoint Commiſſioners of Exciſe, or Supply in the ſeveral Shires.

Act in favours of the Town of *Innerneſs*, for exacting a ſmall Cuſtom, at the Bridge thereof.

Act in favours of the Laird of *Kinmundie*, for exacting a ſmall Cuſtom, at the Bridge of *Dee*.

Act in favours of the Marqueſs of *Athole*, for exacting a ſmall Cuſtom, at the Bridge of *Almond*.

Act in favours of the Earl of *Marr*, for exacting a ſmall Cuſtom, at the Bridge of *Tillibody*.

Act in favours of the Litſters of *Edinburgh*.

Warrand to the Laird of *Hoptoun* for changing a high way, at the Town of *Winchburgh*.

Act in favours of the Earle of *Queensberry*, for disjoyning the Lands of *Palvadock*, from the Stewartry of *Kirkcudbrugh*, and annexing the ſame to the Shire of *Dumfreis*.

Act in favours of *Mungo Graham* of *Gorthy*.

Protection to Maſter *William Dick*, and Sir *Andrew Dick*.

Recommendation to the Council, in favours of the Town of *Dalkeith*, anent their Bridge.

Recommendation to the Council, in favours of the Lady *Comiſtoun*.

Reference to the Council anent the Earles of *Caithneſs*, and *Broad-Albain*.

Reference to the Council anent the Towns of *Anſtruther-Weſter*, *Kilrainy*, *Cromarty*, and Others.

Recommendation in favours of the Lady *Bogie*.

Ratification in favours of the Duke of *Lennox* and *Richmond*.

Proteſtation Sir *John Cochran*, in name of the Earl of *Dundonald*, againſt the ſame.

Proteſtation Sir *Iohn Cuningham*, in name of the Lady of *Obryan*, againſt the ſaid Ratification.

Proteſtation His Majeſties Advocat, againſt the ſaids two Proteſtations.
Ratification in favours of the Marqueſs of *Athole.*
Ratification in favours of the Marqueſs of *Montroſe.*
Proteſtation the Earle of *Airth*, againſt the ſame.
Ratification in favours of the Earl of *Argyle.*
Proteſtation by the Earl of *Arrol*, againſt the ſame.
Ratification in favours of the Earl of *Perth.*
Proteſtation by the Marqueſs of *Athol*, againſt the ſame.
Ratification in favours of the Viſcount of *Stormount.*
Ratification in favours of Sir *Alexander Seton*, of *Pitmeddin.*
Ratification in favours of Sir *Roger Hog*, of *Harcars.*
Ratification in favours of Sir *George Gordon*, of *Haddo.*
Ratification in favours of Sir *William Sharp.*
Ratification in favours of Maſter *Alexander Gibſon.*
Ratification in favours of Maſter *Alexander Mackeinzie*, of *Garlearch.*
Ratification in favours of *Andrew Spalding*, of *Aſhintullie.*
Proteſtation the Marqueſs of *Athol*, againſt it.
Ratification in favours of *David Drumond*, of *Cultmalindie.*
Ratification in favours of Sir *Donald Baine*, of *Tulloch.*
Ratification in favours of the Hatmakers, and Walkers of *Edinburgh.*
Ratification in favours of Maſter *Roderick Mackeinzie*, of *Findone.*
Ratification in favours of *William Duff.*
Ratification in favours of the Laird of *Balhouſſie.*
Ratification in favours of *Robert Pringle*, of *Cliftoun.*
Ratification in favours of Sir *William Ker*, of *Greinhead.*
Ratification in favours of *George Dollas*, of St. *Martines.*
Ratification in favours of Sir *Archbald Cockburn*, of *Langtoun.*
Ratification in favours of the Poor of the Town of *Chanrie* of *Roſs.*
Ratification in favours of *Patrick Smith*, of *Braco.*
Ratification in favours of Maſter *John Omey.*
Ratification in favours of Maſter *Thomas Skeen* Advocat.
Ratification in favours of *David Oliphant* of *Cultenquhar.*
Ratification in favours of Maſter *James Murray*, Miniſter at *Logi-rait.*
Ratification in favours of *William Colquhoun*, of *Craigtoun.*
Ratification in favours of *Robert Boyd*, of *Portoun-croſs.*
Ratification in favours of *Coline Campbel*, of *Ormadil.*
Ratification in favours of Maſter *Alexander Forbes*, of *Foveran.*
Ratification in favours of *Richard Elphingſtoun*, of *Airth.*
Ratification in favours of The Lord *Pitſligo.*
Ratification in favours of the Laird of *Skeen.*
Ratification in favours of *Francis Dugat*, of *Auchinhive.*
Ratification in favours of the Laird of *Streichin.*
Ratification in favours of the Laird of *Ballogie.*
Ratification in favours of Maſter *James Elphingſtoun*, Writer to the Signet.
Two Ratifications in favours of *John Graham*, of *Claverhous.*
Ratification in favours of Maſter *James Carnegie.*
Ratification in favours of Maſter *Patrick Kier.*
Ratification in favours of *Anthony Murray*, of *Dullarie.*
Ratification in favours of *John Brown*, of *Gorgy-milne.*
Ratification in favours of Maſter *Iames Brand*, of *Babertoun.*
Ratification in favours of Lieutennent Collonel *Mayn*, Major *Ogilthorp*, and Captain *Cornwal.*
Ratification in favours of Maſter *Thomas Innes*, and *Iames Calder*, of *Muirtoun.*
Ratification in favours of the ſaid *Iames Calder.*
Ratification in favours of the Laird of *Moncreiff.*
Ratification in favours of Miſtreſs *Griſſel Mercer*, Lady *Aldie.*
Ratification in favours of the Marqueſs of *Huntlie.*
Ratification in favours of Sir *Charles Maitland*, of *Pitrichie.*
Proteſtation the Town of *Aberdeen*, againſt the ſame.
Ratification in favours of the Incorporation of the *Hammer-men* of *Edinburgh.*
Ratification in favours of the Earl of *Dumfreis*, and Lord *Crichtoun.*
Ratification in favours of Sir *Iames Dalrymple* of *Stair*, Preſident of the Seſſion.
Ratification in favours of the Lord Theſaurer-Deput.

Proteſtation by the Town of *Dundee*, againſt it.
Ratification in favours of *Mungo Halden*, of *Glenegies.*
Ratification in favours of *Walter Riddel*, of *Minto.*
Ratification in favours of *George Gordoun*, of *Boigs* of *Dalrey.*
Ratification in favours of Sir *John Schaw*, of *Greenock.*
Ratification in favours of the Earle of *Arrol.*
Ratification in favours of the Earle of *Queensberrie.*
Ratification in favours of the Lord *Rollo.*
Two Ratifications in favours of Sir *George Mackeinzie*, of *Roſehauch*, Lord Advocat.
Two Ratifications in favours of Sir *George Mackeinzie*, of *Tarbet*, and Others.
Ratification in favours of Sir *David Balfour*, of *Forret.*
Ratification in favours of The Lord *Regiſter.*
Ratification in favours of Collonel *James Douglas.*
Ratification in favours of Sir *William Paterſon*, and Maſter *Patrick Meinzies*, Clerks to His Majeſties Privy Council.
Ratification in favours of His Majeſties *Smiths*, *Maſon*, &c.
Ratification in favours of *William Craik*, of *Arbigland.*
Ratification in favours of *Robert Fergu ſon*, of *Craigdarroch.*
Ratification in favours of the Incorporation of the Weavers of *Glaſgow.*
Ratification in favours of the Burgh of *Aberdeen.*
Proteſtation Sir *Alexander Seton*, of *Pitmeddin*, in name of the Shire, againſt it.
Ratification in favours of *Robert Hamiltoun*, of *Preſminen.*
Ratification in favours of *John Johnſtoun*, of *Elſhiſheils.*
Ratification in favours of *James* Carnegie, of *Balnamoon.*
Ratification in favours of Sir *Patrick Houſtoun*, of that Ilk.
Ratification in favours of *William Hamiltoun*, of *Orbiſtoun.*
Ratification in favours of Sir *Patrick Ogilvie*, of *Boyn.*
Ratification in favours of ſome Trades in *Dunbarton.*
Ratification in favours of *Robert Milne*, of *Barntoun.*
Ratification in favours of *William Gordoun*, Sherriff-Clerk of *Aberdeen.*
Ratification in favours of *Laurence Oliphant*, Clerk to the Admiſſion of Nottars.
Ratification in favours of the Incorporation, of the Fleſhers of *Edinburgh.*
Ratification in favours of *Ninian Bannatine*, of *Kaims.*
Ratification in favours of the Earle of *Roxburgh*, and Others.
Ratification in favours of *John Hamiltoun*, of *Combardie.*
Ratification in favours of The Lord *Elphingſtoun.*
Ratification in favours of The Burgh of *Glaſgow.*
Ratification in favours of Sir *William Purves.*
Ratification of ſeveral Acts, and Decreets of His Majeſties Privy Council, anent the new buildings, at the entry to the *Parliament-Houſe.*
Ratification in favours of Sir *Charles Halket*, of *Pitfirren.*
Ratification in favours of The Lord *Nairn.*
Ratification in favours of *Iames Seton*, of *Touch.*

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